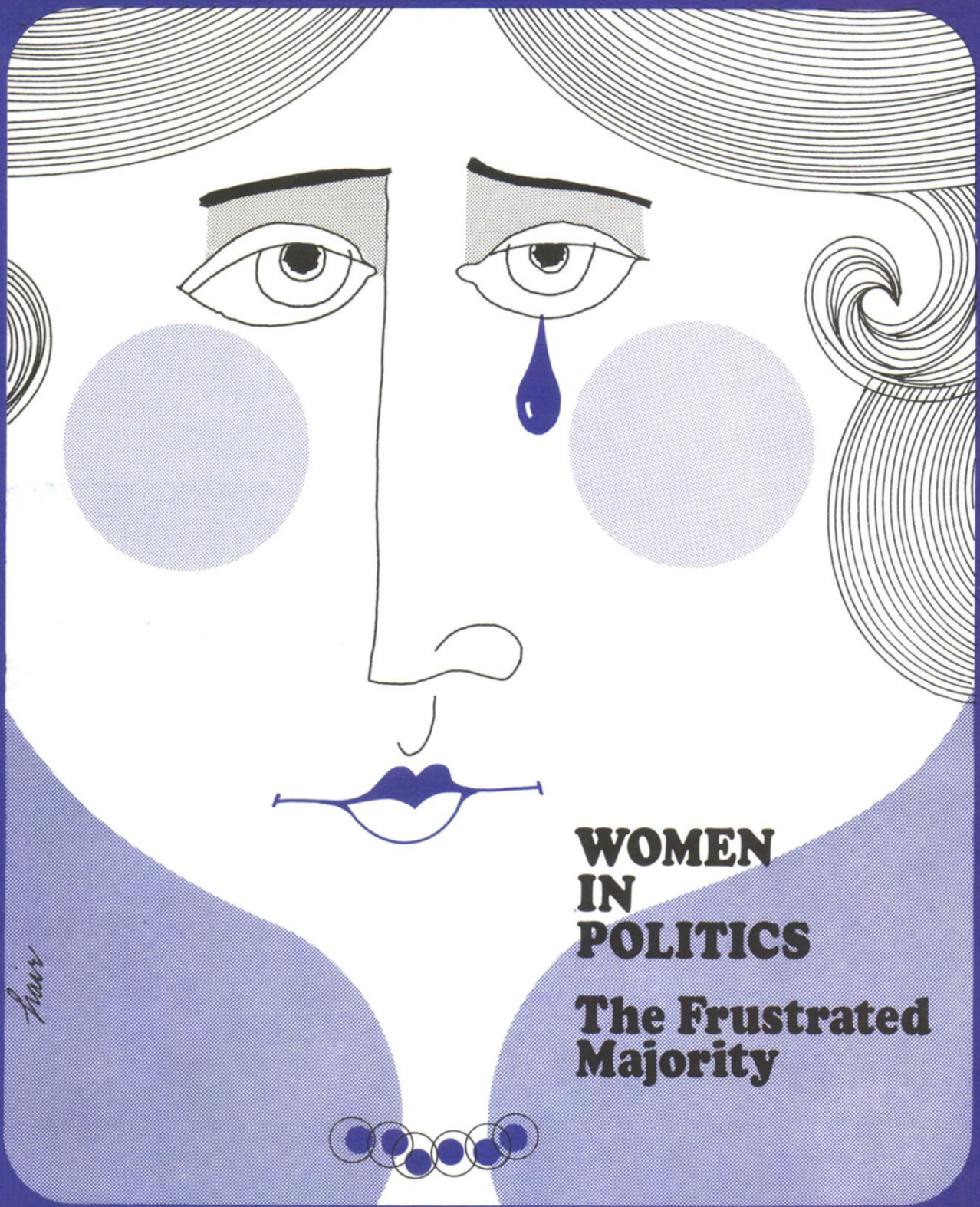
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS



WOMEN IN POLITICS

The Frustrated Majority

March 1974

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Minority rule

Almost every ethnic minority is represented in the California Legislature. There is a Korean (Senator Alfred Song), a Chinese (Assemblywoman March Fong) and a Japanese (Assemblyman Paul Bannai). There is an Arab (Assemblyman Wadie Deddeh) and more than a handful of Jews. There are seven blacks and six Chicanos. There are lawmakers of Greek, Italian, Yugoslavic and just about every other European extraction. The Roman Catholic, Eastern Orthodox, Mormon and every major Protestant sect is represented.

But there never has been a woman elected to the state Senate, and there are now only two women in the Assembly (Fong and the veteran Pauline Davis) — despite the fact that women could wield the political muscle to control both houses. Until quite recently, the state's Mexican-American political leaders claimed that the political power structure had conspired to prevent reasonable Chicano representation in the Legislature. Similar cries are now being heard from activitist women's organizations.

Blacks learned relatively early that it did little good to cry about injustice and shout for a specific number of seats based on population distribution. Negroes for many years represented only those Alameda County and Los Angeles districts with overwhelming black populations. But that is now changed. Assemblyman Willie L. Brown Jr. represents a district in San Francisco with a non-black majority. So did Yvonne Brathwaite Burke, now a congresswoman, when she was first elected to the Assembly.

It took Chicanos many years to learn, if indeed they have learned, that they can lose seats in heavily Mexican-American areas by failing to develop candidates with broad appeal and by splitting the Chicano vote among two or more candidates. That is why Chicanos for many years went virtually unrepresented in the Legislature. Even the Los Angeles barrios were represented by Anglos. Almost overnight, the Chicano picture appears to have changed. Ruben Ayala is now in the Senate, and there are five Mexican-Americans in the Assembly. Ayala and two of the Assemblymen do not come from heavily Mexican-American districts, but owe their presence in the Legislature to support from a cross-section of voters.

* * *

On a strictly mathematical basis, it would be possible for all the female voters in California to insist on the election of women legislators and thus freeze men out of the Senate and Assembly. It is a statistical fact that there are more women than men eligible to vote in California (and almost everywhere else in the world because women live longer than men). But it has not been easy to convince women to vote for women (a point made by Suzanne Paizis in an article elsewhere in this issue).

Although women are a mathematical majority, they find themselves in the position of a political minority. And they thus can adopt the strategy that has worked for blacks and Chicanos. In other words, they should pool their resources in support of the right candidates in the right districts. The attitude that any woman running anywhere is deserving of support just because women are entitled to a larger piece of the action will lead to repeated failure and heightened frustration. But there are indications that this is precisely the posture being taken by some women's organizations. The Sacramento Chapter of the National Women's Political Caucus, an organization loaded with supposedly astute legislative employees, raised a few thousand dollars at a seminar last fall designed to encourage women to seek office. What is being done with the proceeds? The group announced that it would pay the $211 filing fee for any woman entering a legislative contest this year (with a $211 limit per district). To get the money, all a candidate had to do was pledge to hire women for policy-making jobs and support women's issues. Thus, the resources of this women's organization, presumably the most politically sophisticated in California, is being spent willy-nilly on any female who wants to be a candidate, regardless of qualification, regardless of the caliber of opposition, regardless of the potential for victory.

Two years ago, most of the attention of female political activists in the state was centered on the efforts of Cathy O'Neill and Paizis to defeat incumbent state Senators Robert Stevens and Donald Grunsky. O'Neill ran an exceptional campaign and came within relatively few votes of winning. Paizis never had a chance against Grunsky, but her investment could pay off in 1976 when the veteran Senator may retire from the Legislature. O'Neill is now running for the Democratic nomination for Secretary of State, and how ironic that her biggest problem is the presence of another woman, Assemblywoman Fong, in the race. (Fong's candidancy for the statewide office could reduce the female contingent in the Legislature to one, Pauline Davis; or none, if Democrat Davis loses to Republican Assemblyman Ray Johnson in November.)

* * *

The process of electing candidates does not start by announcing to all that funds are available for anyone meeting the general qualifications of a group. It starts with identifying seats that can be won if the right candidate runs the right campaign. This year's reapportionment opens more than the usual number of districts to real competition. Women's organizations should have searched out electable candidates in perhaps half a dozen of these districts and put all their resources behind them.

As a matter of principle, women's organizations may be justified in making their funds available to all female candidates regardless of their prospects for winning. But most often those who succeed in politics are those who rise above principle.

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Frustrated majority:

Women constitute 53 percent of the California population, yet hold an almost infinitessimal share of the state's major elective and appointive governmental positions. Why haven't women fared better at the polls and at the hands of appointive powers? What are California women doing to increase their share of the power pie? The problems women face in obtaining elective and appointive office are explored in the following two articles.

Consciousness-raising at the ballot box

By SUZANNE PAIZIS

Women are the backbone of the American political structure. Active women party volunteers outnumber men ten to one. No political candidate has a chance of success without the many hours of volunteer work that women contribute. Women are also the community "doers" who see that good schools and roads, adequate sewage and water systems, reasonable tax rates and adequate housing become realities in their communities. Yet, few women are involved in government policy-making. And the higher the office, the fewer the women.

Since 1920, when women first turned out to vote, the number of female voters has risen steadily; today, there are more women voters than men. But the number of women now holding elective office in Congress and in state legislatures remains minimal, especially since females constitute 53 percent of the population. (That figure also includes women as being 53 percent of minority populations, 53 percent of youth, and as high as 60 percent of the senior-citizen population.) Sixty-nine women have been elected (or appointed) to the House of Representatives; 10 have been elected (or appointed) to the Senate.

Breakthrough in California

In the past, one way a woman could come to serve in Congress was as the widow of a former legislator. Four women who have served in the U.S. Senate for more than one year did so as widows. As late as 1970, of the 57 congresswomen who had served, 23 were widows (and one a daughter) completing terms vacated by their deceased husbands (father). The widow in American society commands greater respect than any other female, and politics is no exception. There is a certain amount of reverence accorded the widow of a senator or representative, which can make her into a temporary political "winner" — at least until her late husband's political peers and cronies can find the right man. (Senator Margaret Chase Smith is the rare woman who came to the Senate as a widow, and remained for four terms won on her own ability and competence.)

Women holding elective office 1973-74

Office	Number	Women	% of women
U.S. Senate	190	0	0%
U.S. Congress	435	14	3.2%
State Legislatures	7700	425	5.5%
California Congress	43	1	2.3%
California Senate	40	0	0%
California Assembly	80	2	2.5%

There was a breakthrough in the 1972 elections, when California elected its first congresswoman since Richard Nixon defeated Helen Gahagan Douglas in 1948. She was Yvonne Brathwaite Burke who left an Assembly seat to move to Washington, where she had the added distinction of being the first black woman sent to Congress from California. She continued to break records by being the first congresswoman to give birth while in office — a baby girl born in January 1974. (When asked if she would like to see her daughter in Congress, she said she expected her to become President!) So grows the political consciousness of women.

Male order

While a handful of women have been elected to the California Assembly, no woman has yet won a seat in the Senate. Miriam Younger, wife of Attorney General Evelle Younger, tried unsuccessfully in 1968, and two attempts were made in 1972 by major-party candidates. (I was one, running as a Democrat against Senator Donald Grunsky of Santa Cruz; the other was Catherine O'Neill who lost to incumbent Senator Robert Stevens by only 2,472 votes. O'Neill is a candidate for Secretary of State this year — also a position a woman has yet to hold.)

The California Assembly lost Burke to Congress, but the two remaining incumbent Assemblywomen were returned to office: Democrats March Fong Eu of Oakland (also running for Secretary of State) and Pauline

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The author, an unsuccessful Democratic candidate for the state Senate in the 1972 election, wrote The Political Women's Handbook, *and is chairwoman of the Santa Cruz County Commission on the Status of Women.*

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Yvonne B. Burke | March Fong | Pauline Davis | Ivy Baker Priest

Davis of Portola. Davis, originally elected to replace her deceased husband, has since won re-election every two years since 1952. Five women ran unsuccessfully for Assembly seats: Republican Joan Irwin in San Francisco, Democrats Rhoda Frier in Santa Clara County and Beth Labson in San Mateo County, and Republicans Betty Kilpatrick in Los Angeles and Ruth Green in San Diego.

As the elective office grows in decision-making power (not to mention salary and prestige), the number of women participating decreases significantly. The few "top" jobs that women do hold — such as California Treasurer Ivy Baker Priest — in fact confer little power or status, and are usually positions that men seek with little enthusiasm. Regardless of Priest's competence — she was U. S. Treasurer in the Eisenhower administration — the office of state Treasurer might as well be abolished, for all the political clout it carries.

Local politics

An upward trend for women in politics is discernible at the local level, where growing numbers of women are winning elections to school boards, city councils and boards of supervisors. There is also a greater tendency today for them to be selected by their peers for mayoralties and as committee heads. (These positions are generally unsalaried, however, which fits the notion that woman can "volunteer" her time and talent since she is not a "bread-winner". Nonetheless, only 10 women serve on county boards of supervisors in a state with 296 supervisors — 3.4 percent of the total. (Of the 10 women supervisors elected in 1972, six are new.)

In the past, women who held such positions were women of wealth or members of families with long-standing prestige in their communities. Dianne Feinstein and Dorothy von Beroldingen, San Francisco County supervisors, fit those roles. Hulda McLean, who served as a Santa Cruz County supervisor from 1958 to 1962, is the niece of Herbert Hoover. Only recently has it become possible for a woman without such auspicious credentials to achieve comparable success.

Women are found in more equal representation in the office of county clerk than in any other political job. Of the state's 58 clerks, 21 are women.

Incumbency advantage

Being wealthy or a member of a prestigious family are assets for both male and female candidates, but being an incumbent is the most important factor in winning an election. This puts female politicians in something of a "Catch-22" situation. In the 1972 California elections, incumbency was the most important factor in success, and outspending one's opponent was second [*CJ*, February 1973]. California Congressional and state Senate candidates spent an average of $64,000 to win or retain their seats, the average Assembly candidate spent $36,000. Winners outspent losers. The highest amount spent in the congressional race was $205,607, in the state Senate race, $284,341, and for the Assembly, $97,264.

Incumbency and the ability to finance a campaign are related since it is far easier to raise money if one is already in Congress or the Legislature. Moreover, incumbency generates newspaper space and air time that a challenger can rarely hope to match. To be able to spend $50,000 to $250,000 to obtain a position paying $21,200 a year suggests the political clout the position is thought to confer. Since few women are taken seriously as candidates, let alone enjoy incumbency, their ability to raise funds is further handicapped.

Another obstacle to a woman's accession to a posisiveness, cultivated and accepted in males, produce in females an "aggressive bitch". Determination and perserverance, much touted in male leaders, makes for a "pushy woman". Dour older women are "menopausal", and attractive young women must contend with being viewed as sex objects. Such cultural attitudes only add to the difficulty women encounter in politics (as well as business). Ability and merit alone are not enough to win campaigns.

Cultural perceptions

People from higher-income classes vote more often and more regularly than people from lower-income classes; as income and education levels drop, sexual roles are more rigidly adhered to. Lower voting ratios are found in higher proportions among women in the less-educated and lower-income classes than in any other groups. At the lower-income levels, women are expected to know their place, and that place is not in competition with men in a man's arena. Moreover, Cathy O'Neill and other female candidates with children have run into opposition from women, who ask who will stay home and care for the kids if the mother goes off to Washington or Sacramento. This issue is never raised when a man with small children is running for office. Against such odds, only a female candidate with unusual prestige (through widowhood or a family name) will find some acceptance at lower economic levels, even among the women who vote. (Women will view her with suspicion and jealousy, and men will react with outright hostility.) Women still do not see themselves voting for other women because she is "one of them". Representative Shirley Chisholm remarked that she found more discrimination against her as a woman than as a black.

White women generally have a better chance of political acceptance in highly educated, liberal communities where sexual stereotypes are less rigid. Black women have the best chance of all women of being elected in districts of their "own kind". Black women enjoy a higher degree of leadership status within black communities than do white women or Mexican-American women, who have the least leadership status within their respective communities. (An unanswered question remains whether any woman can win an elec-

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Women in elective office

Here is a complete list of California women elected to state or federal office:

Governor, Lieutenant Governor, Secretary of State, Controller, *Superintendent of Public Instruction, Attorney General:* None.

Treasurer: Ivy Baker Priest (R), elected 1966, 1970.

U.S. Senator: None.

House of Representatives: Mae E. Nolan (R-San Francisco), elected 1923, 1924; Florence P. Kahn (R-San Francisco), elected 1925, 1926, 1928, 1930, 1932, 1934; *Helen Gahagan Douglas* (D-Los Angeles), elected 1944, 1946, 1948; Yvonne Brathwaite Burke (D-Los Angeles), elected 1972.

State Senate: None.

Assembly: Esto Broughton (D-Stanislaus County), elected 1918, 1920, 1922, 1924; Grace S. Dorris (R-Kern County), elected 1918, 1922, 1924; Elizabeth Hughes (R-Butte County), elected 1918, 1920; Anna L. Saylor (R-Alameda County), elected 1918, 1920, 1922, 1924; Eleanor Miller (R-Los Angeles), elected 1922, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940; Cora Woodbridge (R-Nevada and Placer counties), elected 1922, 1924, 1926; Sarah E. Kellogg (R-Los Angeles), elected 1930; Jeanette E. Daley (D-San Diego), elected 1936, 1938, 1940; Kathryn T. Niehouse (R-San Diego), elected 1942, 1944, 1946, 1948, 1950, 1952; Pauline L. Davis (D-Plumas County), elected 1952, 1954, 1956, 1958, 1960, 1962, 1964, 1966, 1968, 1970, 1972; Dorothy M. Donahoe (D-Bakersfield), elected 1952, 1954, 1956, 1958; *Wanda Sankary (D-San Diego)*, elected 1954; Yvonne Brathwaite Burke (D-Los Angeles), elected 1966, 1968, 1970; March K. Fong (D-Oakland), elected 1966, 1968, 1970, 1972.

tion where her "own kind" is in the voting minority.)

It is commonly assumed that women should oppose only those incumbents who are grossly poor or reactionary legislators — and never a "good" man (who may wonder: "Why me? I have always supported women's rights.") His colleagues will likely sympathize with him, too, and even those of her political party will feel uncomfortable over her "audacity".

Of course, if a woman does not see herself or a peer as a United States Senator or as an Assemblywoman, she will be unlikely to make the attempt to run — or to work for another woman who does. The self-fulfilling prophecy too often becomes reality: Women who see themselves as envelope-stuffers will aspire to nothing more. What happens, however, when enough women are raised with the idea that they, too, might be President? Chances are that they will also see themselves as prospective Senators, Secretaries of State or Assemblywomen.

Attitudes change

The "politicization" of women has many facets. Beyond the ambition to achieve elected office, there is a growing awareness on the part of individual women and women's organizations regarding the importance of their political involvement and political effectiveness. New endeavors must be made in a variety of directions and in different dimensions.

The 1960s saw the first substantial change in the political attitudes of women since their enfranchisement in 1920. During that decade, many women came to realize that they were "locked out" of the political process, that their brains and talents were not only unused but unwanted. And they began to realize that any society that ignores the ability of half its adult population cannot be functioning intelligently. Simultaneously, women's organizations realized that if they wanted political clout (and they do), they would have to go after it.

Today's women's groups are coming to realize that maintaining a well-paid, professional legislative advocate to represent their interests is just common sense. Fair-hiring practices don't materialize by themselves; nor are they automatically enforced with vigor. If community-property laws are to be equalized, and child-care and adequate health programs expanded, for example, one must get behind proposals to accomplish that. One learns to lobby like any other effective special-interest group (and women are just that). As women begin to see the value of professional advocacy on their behalf, and as they become more accustomed to putting larger amounts of money into lobbying as well as recognizing the value of numbers of women's organizations supporting specific legislation, there may be significant changes in their methods and strategies for goal achievement.

Pulling together

The National Organization of Women (NOW) has been a front-runner in getting the Equal Rights Amendment passed at both national and state levels. NOW California made great efforts to achieve the ERA victory in California in November 1972, and it continues to be active in volunteer lobbying for legislation affecting women. The long-established Business and Professional Women (BPW) has also been active in such lobbying, especially in the areas of community-property rights and credit rights.

Last fall, the nonpartisan League of Women Voters played its most active role in California politics, when it took the lead in the successful fight against Proposition 1, Governor Reagan's so-called tax-limitation initiative. The League opposed it as contrary to two strong League positions: Since 1958, the League has supported efforts to revise and simplify the cumbersome California Constitution, to which Proposition 1 would have added more than 5,000 vague words; and the League also holds the graduated income tax to be the least regressive tax, and Proposition 1 would have reduced spending by limiting the income tax.

The study and hand-craft clubs are giving way to political activity on the part of a growing number of women's organizations. Women within the organizations are serious about learning effective political strategies. Members with leadership potential are being groomed within the organization and with its support. In the past, the women who "made it" did so on their own. Today, women are more aware of the political significance to them of *e pluribus unum*.

Party changes

Some progress was made in party structure during the 1972 national conventions. Efforts to change the method of selecting delegates were instituted by many groups within the political parties, but the National Women's Political Caucus maintained strong efforts to see that female-delegate quotas were raised. The GOP raised female participation from 17 percent in 1969 to 30 percent in 1972 and, for the first time in Republican history, wrote a women's plank into the party platform. Democrats raised female participation from 13 percent in 1968 to 40 percent in 1972. NWPC also worked to insure significant changes in party rules, more women in leadership positions in party structure, and party support of women candidates at national and state levels.

NWPC National Chairwoman Sissy Farenthold,

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who won the Democratic gubernatorial primary in Texas but lost the general election, heads the group's more than 30,000 members. Women from all political parties and representing a wide range of age and social groups are committed to the idea of bringing change to the American political system.

The California Women's Political Caucus held successful statewide meetings last September. The state convention attracted more than 400 women, and a Sacmento Caucus held a workshop — "See How She Runs" — at which more than 500 women learned how to be more effective candidates or campaign managers. What was significant at both meetings was the diversity of women who attended and their determination to become involved in politics.

Economics and politics

Economic status is a basis for the political power of individuals or groups in society, and women have traditionally depended on men for their economic security. Even wealthy widows and single heiresses tend to have estates managed by men. Women who do not have a father, brother, husband, son or lover to support them have had to receive "charity" or "welfare" from male-dominated institutions. There is, however, evidence of change in these conditions:

- Women now constitute over 40 percent of the work force.
- Three women in ten head households.

As women become better educated and more competitive in the upper-echelon job market, and as options for motherhood become matters of personal choice rather than social dictates, the economic status of women will rise. Men are beginning to see greater options for themselves in this, such as working fewer hours. A greater willingness on the part of males to allow a woman to support them, and a greater sharing of responsibility in child-raising and household tasks tend to equalize roles and status, giving more flexibility to members of both sexes.

The important question over the next few decades will certainly be whether women will ever be elevated to important power roles in American society. When more women than men have entered a field or profession, the status (or power) of that professional has dropped in proportion to the percentage of women found in it. Conversely, as the percentage of men grows in a profession, status (power) rises.

Changes in behavior

When any minority group acquires a consciousness about its status, the new insight begins to affect behavior. An individual cannot return to former attitudes and behavior, but will act and react in light of the newly developed consciousness. Women are gaining this kind of insight. It is still too early to speculate on how women will behave and how they will be received in new arenas of involvement.

The unique qualities that women possess should be an asset in making changes within the political structure. They will bring a new set of priorities, less defensiveness, and different kinds of access toward their community. Moreover, the community also appears to have a different attitude about the accessibility of women elected officials than they do of their male counterparts. (Female elected officials maintain that they receive many more calls and letters from constituents than do male elected officials.)

The politicization of women involves far more than helping a couple of the club girls or a "sister" on their way to the city council or state legislature. Politicization involves more than the token appointment of a "manageable lady" judge or party official. One fundamental and far-reaching attitude by women about themselves is that they have the potential to be a radical force to accomplish such lofty and elusive goals as adequate food, housing, education and health care for all. After all, changing the priorities advocated and protected by male-dominated institutions must be viewed as a basically radical and major undertaking.

By nature, women are not radical, but their sheer numbers, the unique qualities they possess, and the fundamental change in their own self-esteem will necessarily bring about radical changes. Women are beginning to feel "entitled" to help make public policy decisions. Never have so many women had the education to become politically knowledgeable, nor the leisure to devote themselves to the political process.

California stands as a leader in women's rights, and California women have the consciousness and determination to become innovative and inspired political leaders.

November *Journal*
– A Collectors' Item

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Are qualified females available for executive posts in Sacramento?

By JENNIFER JENNINGS

While women have done poorly winning high political office in California through the electoral process, they have done even worse penetrating the top levels of state government by appointment. The Capitol complex is overwhelmingly dominated by males. The 100 highest-paying positions in the Legislature are all held by men. There are no women in command positions within the Reagan administration. And no women sit on the state Supreme Court (elective posts that are invariably first obtained by gubernatorial appointment).

An extensive survey of women in state government was conducted last year by Caren Daniels of the Secretary of State's Office, which compiles a roster of state and local officials each year. Here is what Daniels found:

- Of the top 55 officials appointed by the Governor, none is a woman.
- Of the next 101 appointees, some of whom are selected by department heads, only one is female (Dr. Carolyn Vash, chief deputy director of the state Department of Rehabilitation).
- Only six women hold executive position (with salaries of $25,000 a year or more) in the Reagan administration, and three of these hold jobs legally or traditionally allocated to women.
- No women are on the Governor's cabinet (except ex officio member Ivy Baker Priest, elected state Treasurer).
- The state Personnel Board has not conducted a study on women in California government for seven years.

The Legislature, at least on paper, attempted last year to get more women in policy-making positions by passing a resolution — ACR 36 (Ralph) — urging the Governor to appoint more women to state boards and commissions. The statistics indicate that there has been no great effort by the administration to change.

Who's qualified?

Governor Reagan's appointments secretary, Ned Hutchinson, does not believe there is a lack of women in top state positions, despite the numbers. "I don't think there should be a race or sex criterion in the management of state government," he explained. "There are 250 top-management positions in state government to manage 106,000 employees. We can't gamble on filling these positions. We have to go with those that are qualified, and 90 to 95 percent of those who are trained are men. There just aren't that many women who are qualified. For Governor Reagan to pick a woman, unproven, would be foolish and discriminatory. What does it matter what sex the office-holder is?"

Hutchinson denies discriminating against women, and cites statistics to support his view. Of 37 women who have applied for judgeships, 14 were appointed; blacks have an appointment ratio of about 50 percent, white males about 13 percent. Hutchinson can't recall having had a woman apply for either a cabinet post or a department directorship. Nor does he think affirmative-action programs are necessary to get more women appointed. All that is needed, he emphasized, is for his office to receive a stack of résumés of qualified, proven women. "We choose whoever is best qualified for the job, he said. "There is absolutely no discrimination in the Reagan administration."

Nor does he feel that women have been discriminated against generally. "I just do not think women have had a bad deal," he commented, "and I don't think society in America owes them anything. The blacks were; the women weren't. Our culture and our society have an evolutionary way. Women have been a privileged segment in American society. Laws have been bent over backwards to protect them. To say that women have been discriminated against and therefore they are owed opportunities is selfish and arrogant. Women have had a tremendous influence so far as government goes. It has only been a recent phenomenon that women have wanted to assert themselves." (He cited as influential women Eleanor Roosevelt, Queen Victoria and Queen Elizabeth II.)

The view of the Reagan administration is not held by the Legislature, which in 1965 created an Advisory Commission on the Status of Women to assess the positions of women in California society. In 1972, the commission was granted permanent status and the word "advisory" dropped. The commission studies:

- Employment practices, both public and private. (A résumé file of experienced women is maintained to help employers hire women.)
- National and state laws affecting the rights of women.
- Education needs of girls and women and how they are being met.
- Economic considerations affecting social attitudes toward women.

Chairwoman Anita Miller and Execuive Director Pamela Faust are hesitant to engage in a public debate with Hutchinson for fear of antagonizing the person who can facilitate appointment of more women to state posts in these final months of the Reagan administration. How-

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The author, a student at the University of California at Davis, prepared this article while serving an internship with the California Center for Research and Education in Government, publisher of the Journal.

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ever, they disagree utterly with him and have made the low representation of women in policy-making positions as one of the commission's major areas of concern.

Two-fold problem

Miller and Faust feel that a two-fold reason explains the paucity of women in responsible state positions. Those in power, they say, simply don't consider women when making appointments; they do not think it important to develop a sexual balance. Secondly, few women envision themselves in these policy positions and thus don't take steps to get them. Miller and Faust sense a dramatic change developing in this attitude, however. "Women tend to look at themselves in terms of qualifications and experience much more critically than men in the same position do," said Faust. "With society's pressures, it is hard for women to see themselves both as women and as being fully qualified."

The commission leaders state that there is "absolutely and unequivocally no doubt that women have been excluded from consideration," but they reject the notion that this is the product of a conscious conspiracy. The problem is that the appointing powers do not make a conscious effort to include women.

Miller and Faust maintain that there is no shortage of qualified women available for appointment to top state jobs. The problem is analyzing what men like Hutchinson mean by "qualification". "If it means having a beard," Miller said, "then obviously no women would qualify." Appointing powers, Faust emphasized, take the attitude that a woman is incompetent until proven otherwise.

Another area of dispute involves the mechanics of appointment. Hutchinson said that a vacancy becomes known through the announcement of a resignation, and the new appointee is selected from résumés received by the Governor's office and among individuals already known to the Governor. The commission leaders consider the procedure to be far less open than Hutchinson suggests. They contend that often there is no public knowledge of resignations until a new appointee has been named. "You have to be a sleuth to find out when and what positions are actually open," commented Miller.

The field of state-supported education holds no greater opportunities at the top level for women than does the Capitol complex. Of 114 key positions in the University of California and the state University and Colleges, only four are women who serve as members of the U.C. Regents and the College Trustees. State Superintendent of Public Instruction Wilson Riles recently attempted to hire a woman as associate superintendent but could find none qualified in the state school system. He discovered that there are no female superintendents of large school districts and that woman administrators of small districts were either unavailable or unqualified for the state job.

Legislative shortcoming

Male dominance also extends into the Legislature, which in recent years has given lip-service to sexual equality. Ida Casillas, assistant to Assemblyman Walter Karabian, last year conducted a study that showed that the 104 highest-paying legislative staff positions were all held by men. The staffs of all 43 standing committees were all headed by male consultants. Karabian concluded that the Legislature had "inadvertently" permitted sex discrimination to exist in the Capitol. He introduced a resolution (ACR 115) calling for implementation of an affirmative-action program wherever inequities are found by the Joint Rules Committee.

Some legislative leaders took offense at the Karabian report, and the resolution died in the Assembly Rules Committee. Karabian then issued a report claiming that the chairman, Assemblyman John Burton, refused to set it for a hearing. The Assembly leadership, however, led the effort to create a Joint Committee on Legal Equality — ACR 33 (Moretti) — to study and recommend changes in California laws that discriminate against women. Mari Goldman, an attorney who had been serving on the staff of Senator Mervyn Dymally, was named consultant of the joint committee. She reported that she is making a special effort to establish lines of communication with women's organizations that are not considered part of the women's liberation movement, so that a wider variety of women's concerns can be attacked.

In recent years, the Legislature has made important strides to help women attain equal rights. But these measures have dealt primarily with the legal aspects of discrimination; they have not served to change the practice by both the Governor and the Legislature to maintain male dominance in appointive positions.

Women in the Reagan administration

	POSITION	SALARY
Kay Valory	Member, Alcoholic Beverage Control Board	$14,700
Evelyn E. Whitlow	Chief, Division of Industrial Welfare	$25,524
Virginia L. Carlson	Superintendent, California Institution for Women	$27,060
Margaret O'Grady	Chief, Division of Labor Statistics and Research	$25,524
Ethel Crockett	State Librarian	$25,776
Nita Ashcraft	Member, Personnel Board	$10,584
Jean Auer	Member, Water Resources Control Board	$26,250
M. Joanne Lees Eleanor Hiller Lucille Hosmer	Members, Women's Board of Terms and Parole (Lees, chairperson)	$11,907 $11,245 $11,246
Gladys Sanderson	Member, Youth Authority Board	$26,250
Elizabeth Ziegler	Superior Court Judge	$37,615
	Municipal Court Judge	$34,605
Betty Jo Sheldon Nancy B. Watson Rosemary Dunbar	Marion L. Obera Bonnie Lee Martin Marie B. Collins	Bessie Dreibelbis Mary Pajalich Artemis Henderson

Women in top state offices

Positions	Jobs	Women	% of Women
Administrative	156	1	.6%
State Agency Dept. Heads	61	0	0
Chief Deputies	35	1	2.8%
Deputy Directors	32	0	0
Assistants to Deputy Directors	28	0	0

Women in Judiciary*

Court	Judges	Women	% of Women
California Supreme Court	7	0	0%
Court of Appeals	48	1	2.1%
Superior Court	463	5	1.1%
Municipal Court	359	20	5.5%
Justice Court	222	13	5.9%
Total	1099	39	3.5%

*See **CJ**, May 1973, p. 160

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CAMPAIGN '74

Only in California: living up to the legend

California has a national reputation as a wacky wonderland of unconventional politics. Many Californians have suspected that the reputation is not totally deserved and that the political aberrations of the biggest state have been magnified for the Eastern eye by the news media. But the events of the current California political season seem to justify the state's reputation. Where else but in California will you find:

The Flournoy phenomenon. Just a few months ago, state Controller Houston I. Flournoy was rated fourth among four major prospective candiates in polls measuring odds of winning the Republican gubernatorial nomination. His chances seemed all but hopeless. Then two of the candidates, Attorney General Evelle J. Younger and former Presidential Counselor Robert H. Finch, decided not to run for the office, and only Lieutenant Governor Ed Reinecke and Flournoy were left in the race. Reinecke was plagued with problems involving a grand jury investigation into his role in an offer by ITT to help finance the 1972 GOP national convention in San Diego.

Reagan's "kitchen cabinet". Faced with the apparent choice between supporting Reinecke or the more liberal Flournoy, the conservatives close to Governor Reagan decided that in the era of Watergate pragmatic politics demand that Flournoy get their support. Flournoy received the backing of virtually all the big names behind the California Republican Party, men like Holmes Tuttle, David Packard, J. H. Hume, Leonard Firestone and Taft Schreiber. Hardly any GOP moneybags were left for Reinecke. Republican leaders apparently decided that Flournoy could win in November and that they had better back him or suffer a catastrophic Watergate-tinged defeat at the hands of the Democrats. Even directors of the California Republican Assembly, a conservative organization that has been strongly opposed to Flournoy in the past, gave the Controller a thunderous ovation at a recent meeting. Observed Deputy Controller Kirk West: "Hugh always has been lucky."

Flournoy-Harmer ticket. After deciding to back Flournoy, the conservatives began promoting a ticket with someone closer to their philosophy, Senator John Harmer, as the party's nominee for Lieutenant Governor. Harmer has a ready-made campaign organization, the half-million or so Mormons in the state who over the last decade or so have become increasingly active in politics. Harmer will be running, as it happens, against one of Flournoy's closest political allies, John Veneman, former Assemblyman and undersecretary of the federal Department of Health, Education and Welfare.

Houston Flournoy

John Harmer

L'affaire Angelina. Flournoy's ascent and Reinecke's ITT problems would have won almost all the political headlines — except for the performance of Angelina Alioto, wife of Democratic gubernatorial hopeful Joseph Alioto, Mayor of San Francisco. Upset because she had not been getting the attention she felt she deserved from her husband, Angelina Alioto disappeared for 18 days (taking a tour of California missions) to let her husband stew. She finally returned and publicly assailed her husband for putting politics above spouse. Political strategists couldn't figure out whether Angelina's televised exchanges with her candidate-husband hurt him with women or helped him because of the exposure it gave him in Southern California.

Typical CDC Convention. Meanwhile, the other candidates were working hard trying to lock up the so-called liberal vote for the Democratic primary. The Southern California Chapter of the Americans for Democratic Action picked Representative Jerome Waldie as its number one choice, but also gave a high rating to Secretary of State Edmund G. Brown Jr. (In a previous poll, Brown was the leader with Waldie far behind.) Waldie then tried to lock up the liberal vote at the California Democratic Council convention in Sacramento. As it turned out, the convention was typically indecisive. Waldie was the favorite, but fell 12 percentage points short of getting the 60 percent needed for the CDC's endorsement. The other candidates mounted a stop-Waldie drive, but only Brown (17 percent) and

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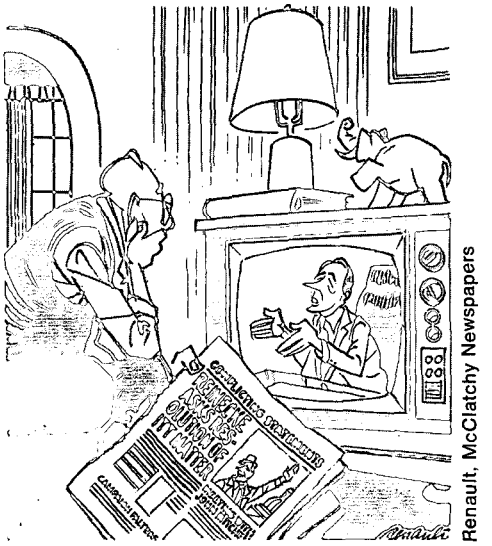
Speaker Bob Moretti (30 percent) were eligible for the second ballot under a Waldie-sponsored rule dropping candidates with fewer than 15 percent on the first ballot.

The Norris recount. The CDC convention endorsed only three candidates, U.S. Senator Alan Cranston for reelection, Los Angeles attorney Joseph (Gray) Davis for Treasurer and San Francisco Supervisor Robert Mendelsohn for Controller. All three were unopposed. The delegates could not decide among three candidates for Lieutenant Governor or three for Secretary of State. For Attorney General, there were two candidates, William Norris, former Los Angeles police commissioner, and Vincent Bugliosi, a deputy district attorney in Los Angeles. Norris apparently won a first-ballot endorsement with a 61 percent margin. Later, Norris's son, Don, noticed that the "no-endorsement" ballots had not been tabulated and with them Norris had only 57 percent. This was reported to the convention chairman, but by then it was too late to run a second ballot, and Norris in effect invalidated his own endorsement. Only in California.

Ivy's illness. In a surprise announcement, state Treasurer Ivy Baker Priest, a Republican, revealed that she would not seek a third term because of precarious health. Her announcement was distributed on stationery printed for a reelection campaign. Priest had raised funds and started organizing her campaign until receiving word from her doctor that she should retire from politics.

Return of Unruh. Priest's announcement brought almost simultaneous indications from two former Assembly Speakers, Democrat Jess Unruh and Republican Bob Monagan, that they might seek the Treasurer's job. Unruh, who ran unsuccessfully for Governor in 1970 and for Mayor of Los Angeles last year, is aching for a return to political life. He filed a notice of intention to run for the Assembly in the 45th district (incumbent Democrat Henry Waxman is running for Congress), a safe Democratic constituency where he could nonetheless find rough sledding in the primary. Unruh has until March 8th, the filing deadline, to decide which office to seek. Monagan, now assistant secretary of the federal Department of Transportation, was the only big-name Republican to express an interest in the Treasurer's office in the wake of Priest's announcement. Should Monagan run, all four leaders of the "Young Turks" who took control of the Assembly Republican machinery in 1975 from the conservatives would be on the ballot in June — Flournoy, Veneman, Monagan and Assemblyman William Bagley, candidate for Controller.

The Karabian caper. Assemblyman Walter Karabian raised a large bundle of cash, estimated at $400,000, to pay for a high-powered campaign for Attorney General. He was running under the assumption that his former boss in the Los Angeles County DA's office, Evelle Younger, would abandon his present post to try for Governor. When Younger decided to retreat to the safety of a reelection bid, Karabian was left holding the moneybag. He finally decided to run for Secretary of State, but there were questions raised about the propriety of having collected funds for one office and then seeking a different one. Another Democratic Secretary of State candidate, Los Angeles attorney Herman Sillas, demanded that the contributions be returned. Sillas got



'One year of ITT is enough!'

his own $150 back, but Karabian kept the rest. Sillas then charged that a Karabian associate, Assemblyman Richard Alatorre, had offered him $10,000 for his campaign for any other office. Meanwhile, two other Secretary of State candidates, Assemblywoman March Fong and Cathy O'Neill, were splitting the ranks of women's organizations.

Watergate withdrawals. Feeling the double pinch of the Watergate scandal and reapportionment, three California Republican congressmen decided not to seek reelection. Representative William Mailiard was appointed ambassador to the Organization of American States, leaving his seat to be filled by special election. Representative Craig Hosmer of Long Beach decided to retire at the end of his current term, and Assemblyman Bill Bond, a Long Beach Republican, is the early favorite to succeed him. The Democrats gained an opportunity to add to their majority in the delegation with the retirement of Representative Charles Gubser of Gilroy. Although the district could normally be won by a Republican, Mayor Norman Mineta of San Jose, a Democrat, is the one to beat for the seat.

Another traditionally Republican Congressional seat will be up for grabs March 5th, when a special election will be held for the Ventura-Santa Barbara 13th District seat of Charles M. Teague, who died on New Year's Day. The lone GOP candidate is state Senator Robert J. Lagomarsino, whose prime problem is the potential of an anti-Watergate ripple. The seven Democratic candidates have a united theme — that a vote for Lagomarsino is tantamount to a vote against impeachment of President Nixon. The Democrats: Mayor James Loebl of Ojai, Lagomarsino's main opponent; and James Browning Jr. of Oxnard, F. Joe Deauchamp of Carpinteria, Robert W. Handley and Roger A. Ikola of Santa Maria, Tom Jolicoeur of Camarillo, and David H. Miller of Santa Paula. If no candidate receives a majority March 5th, a runoff between Lagomarsino and the top Democrat will be held April 2nd.

Legislative dropouts

While no one can be sure until after the March 8th deadline precisely who the contenders for statewide or congressional office will be, it can at least be determined now who won't be running for the 100 seats in the state Legislature at stake this year. Any prospective candidate who failed to file a declaration of intent to run for

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Senate or Assembly by February 6th lost the chance to file formal nomination papers. But it is possible and even probable that some who filed declarations of intent will decide not to put their names on the ballot. Assuming, however, that everyone who paid the $211.20 filing fees by February 6th will run, some interesting contests are shaping up; among them:

Senate

20th District. Freshman Democrat Alan Robbins will have an opponent with a familiar-looking name opposing him in June — an attorney named Alan Robbins who recently moved into the district to challenge his namesake. The Senator will have the advantage of an incumbency designation on the ballot. (Robbins II's tactic is not new; numerous Kennedys use to run for office in Massachusetts.)

24th District. This district is supposed to be safe for a Chicano, but Assemblyman Alex P. Garcia will not have an easy time with the Democratic primary because Senator Lawrence Walsh has decided to try for reelection in this district. Walsh was left without a logical place to run by the Supreme Court's reapportionment plan.

28th District. Incumbent Democrat Ralph Dills faces a well-financed primary opponent, Robert (Buz) Pauley, son of oilman Ed Pauley.

18th District. Elizabeth Weingard, wife of former state Senator Alvin Weingard, is seeking the Democratic nomination for the seat of Republican Robert Lagomarsino, who is running for Congress. Assemblyman Don MacGillivray, who barely won reelection to the lower house two years ago, probably will be the GOP candidate.

Assembly

4th District. Democrat Edwin L. Z'berg, a veteran Sacramento County Assemblyman recently convicted of drunk driving and sentenced to two days in jail, could face as many as five primary components.

5th District. Sacramento Supervisor Eugene Gualco is attempting to unseat veteran Democrat Walter W. Powers at the June primary.

16th District. With Assemblyman John Burton running for Mailliard's congressional seat, Assemblyman John Foran (who had been reapportioned out of a district) moved into the 16th and is running to succeed Burton. He faces a Catholic priest, Eugene Boyle, in the Democratic primary. If Father Boyle wins, he would become the first priest to serve in the Legislature.

27th District. Ernest LaCoste of Modesto gave up his Assembly seat two years ago in an unsuccessful attempt to become a state senator. Now he is tackling his successor, John Thurman, in the Democratic primary.

34th District. The field in the GOP primary includes a former assemblyman, Henry Arklin, and the former chief deputy director of the state Department of Finance, Ken Hall. The "leftover" district includes all of Inyo County and parts of Kern, Los Angeles and San Bernardino counties.

40th District. Former Democratic Assemblyman Tom Bane, who was defeated by Reinecke in a congressional race 10 years ago, will try to return to the Assembly. He is seeking to replace his 1965 successor, Speaker Bob Moretti, who is running for Governor. Three other former assemblymen filed papers indicating that they may attempt comebacks — Unruh in the 45th District, Democrat Phil Soto in the 56th and Republican Bill Campbell in the 64th.

41st District. This could prove the hardest-fought Republican legislative primary in the state. Two incumbents — freshman Mike Antonovich and Newton Russell — will face each other, Russell having elected to tackle the outspoken Antonovich instead of taking easier pickings in the 34th District.

66th District. Assmblyman John Quimby faces a stiff challenge from his former administrative assistant, Mike Valles, in the Democratic primary.

70th District. This safe Republican district in Orange County could produce one of the most interesting primaries in the state. The contenders include Assemblyman Floyd Wakefield, who has never represented the area; Bruce Nestande, twice a loser to Democrat Ken Cory in another Orange County district and a former GOP Central Committee employee, and William D. Ehrle, who is involved in one of the most unusual campaigns ever devised in California. Ehrle and a Democrat, Don Endresen, have a single campaign manager, Don Lombardi, and will campaign as partners, even using joint mailings. Endresen has little hope of winning, even if he can get the nomination, but the joint venture might help his Republican buddy.

Only in California.

It was said . . .

It isn't any fun any more. Politics has become much more polarized. There is much less tolerance for differing points of view. And the newer crop [of congressmen] take themelves too seriously.

. . . by Representative William Mailliard of San Francisco, reflecting on his 21 years spent in Congress, which he is leaving to become ambassador to the Organization of American States.

I don't see much coming out of the administration in the way of gut fighting. It's a kind of "let's not rock the boat". The administration isn't taking a dominant course now.

. . . by Republican Senator H. L. Richardson of the Reagan administration in 1974.

I love my huband very, very much, but he didn't ask me when he ran for mayor and he didn't consult me about running for governor. It would be nice to be asked.

. . . by Angelina Alioto, explaining a 17-day "pilgrimage" she made to California missions without telling her husband, Joseph, where she was.

I would rather see the Capitol restored as it is, with such additions as may be necessary. I don't like to see old buildings converted into museums or things like that . . . We should preserve the antiquity of our old buildings.

. . . by retired U.S. Chief Justice Earl Warren in an interview with Richard Rodda in the Sacramento Bee.

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Senators Cranston and Tunney – My, how they've changed!

By LEO RENNERT

Ten days after Archibald Cox was fired as special Watergate prosecutor, John Tunney delivered the first Senate speech demanding President Nixon's resignation. "We are not strong enough, I fear, to endure three more years of a Nixon administration," he declared. "In the name of common decency, Mr. Nixon should put his nation ahead of him and step aside." In ensuing days, the clamor among congressional liberals for impeachment or resignation continued to build. A flood-tide of anti-Nixon mail swamped Capitol Hill. There were numerous echoes of Tunney's cry for a new chief executive.

But Tunney's senior colleague, Alan Cranston, had other ideas. Ignoring the politically supercharged atmosphere, he refused to participate in any direct move to get Nixon's scalp. While critical of Watergate and other blots on the Nixon record, Cranston took the position that Senators should remain aloof from efforts to force the President out of office so as not to prejudice their roles as jurors in a possible impeachment trial. There was another, more pragmatic, reason for Cranston's hands-off stance. If Nixon were to be forced out of office, he reasoned, the big push would have to come from the other side of the aisle. "It's better if Republicans are outspoken rather than Democrats," he observed.

While California's two Democratic Senators thus were going their separate ways on topic No. 1 in Washington, they also split on the then-hottest political issue in California — Governor Reagan's ill-fated tax-limitation initiative, Proposition 1 on last November's ballot. Like most Democratic office-holders in the state, Tunney denounced Proposition 1 as a fiscal monstrosity that would straitjacket the Legislature, raise local property taxes and cost California millions of dollars in federal tax benefits and grants. Cranston had hinted for weeks that he also would join the opposition camp, but on election eve he declared his neutrality. Describing Proposition 1 as "basically a state matter," Cranston said his job was to focus on federal issues. Besides, he added, the initiative was "extremely complex" and he could not give Californians an informed opinion about it.

Questions of motive

Cranston's cautious position on Nixon's future and Proposition 1 — brought into sharp relief by Tunney's outspoken views — inevitably raised questions about political motives and strategy. The questions grew more intense when it was disclosed that Cranston had several private discussions about Proposition 1 last fall with Governor Reagan and Holmes Tuttle, a top Republican fund-raiser. With the 1974 reelection campaign about to get under way, did Cranston's above-the-battle stance reflect a desire to retain as broad a base of voter support as possible? On top of evidently dependable support from practically all factions in his own party, was Cranston also reaching for a big bloc of Nixon and Reagan voters?

Not unexpectedly, Cranston denied that any such intentions accounted for his low profile on Washington's and California's most burning issues of the day. "He wants to take a high profile in areas where he can be effective — rather than just talking," said his press secretary, Murray Flander.

More than a defense of the boss, the rejoinder revealed a commonly held view among Cranston's staff about California's two Senators: Tunney may be flashier in style and stronger on rhetoric, but Cranston, in his quiet, undramatic way, is more effective. Tunney aides reject this tortoise-and-the-hare explanation. They argue that their boss is more willing to take political risks while Cranston, who is likely to win reelection by a landslide, is more intent on hoarding his political strength than in committing it to a controversial cause.

There is merit in both views.

Still youthful at 39, Tunney tends to be more impulsive than Cranston. In the face of sudden controversy or crisis, he is more apt to shoot from the hip. In 1970, when he defeated Republican incumbent George Murphy, he promised California voters that they would have a "fighter" in the Senate. Pugnacity, whether real or make-believe, is a key part of his character — a trait perhaps inherited from his father, former world heavyweight champion Gene Tunney. Or it may be the son's way of showing the father that he also can mix it up. With less political strength than Cranston, he is more venturesome.

At 59, Cranston is more seasoned and "wiser" in the ways of California politics. While most prominent statewide political figures have grouped themselves into highly polarized camps in recent years. Cranston has managed to build a wide base of support which embraces many diverse, often opposing, factions and special interests. As such, he is the only remaining heir of the legacy of Earl Warren, Goodwin Knight and Pat Brown, who forged broad, bipartisan coalitions by putting a premium on moderation and consensus-building. Unlike Tunney, Cranston also has tasted defeat at the polls. It is not surprising that he decided to pace him-

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self more carefully when he won election to the Senate two years after the Reagan landslide of 1966 knocked him out of the state Controller's office and for a while threatened to end his political career. The two Senators also tend to view the nation's problems through different occupational prisms — Tunney as a lawyer, Cranston as a businessman.

Pull together

Yet, despite all these differences in temperament, age, experience and political strategy, there also are strong bonds drawing them together — both in their day-to-day working relationships in the Senate and in charting positions on key legislative issues. While there may be occasional backbiting at lower staff levels, the two principals actually get along quite well. They have a genuinely warm regard for each other and have ordered their assistants to work together cooperatively.

An even greater force that tends to pull them together is the economic and political power of some of California's major special-interest groups. Whatever else may divide them, Cranston and Tunney can be counted on to give staunch support to organized labor, agribusiness, the aircraft industry, the University of California, the motion-picture business, shipping interests, defense installations threatened by cutbacks, and local and state agencies seeking more federal help. They have no desire to cross swords with the oil industry. Both have social and political ties to Californians of great wealth. Neither has placed tax reform at the top of his legislative agenda, although they talk about it occasionally. Having successfully slugged their way to victory in statewide races, they understand only too well that California is a battleground of conflicting economic interests on which an adroit balancing act is needed for politicians eager to survive. Sometimes, the political juggler will miss a ball or the wire artist will slip, but if news media or constituents are not watching too closely he can proceed with continued bravado and seeming consistency.

The conflict

Yet, how do you represent 21 million consumers while also trying to protect the interests of big agricultural producers, processors, wholesalers and retailers? How do you reconcile the Sierra Club's cries to save the environment with the economic development demands of labor unions and chambers of commerce?

It is easier to resolve this type of dilemma if you represent a New England state where consumers exert a far more powerful tug than the declining textile or shoe industries. Or if you are a Senator from the corn belt. California offers no such easy choices. To survive in its economic cross-fires requires great artfulness — and a good bit of artifice as well.

For example, Cranston and Tunney protested loudly against sharp price increases under the various phases of President Nixon's anti-inflation policies. But, while Cranston called for placing a tighter economic tourniquet to stem runaway food prices and urged the firing of Argriculture Secretary Earl Butz, he pushed with equal vigor for a prompt lifting of the ceiling on beef prices. Cattlemen as well as consumers had to be helped.

Tunney, in even more dramatic fashion, went on a two-week spartan diet based on a $1.25-a-day food budget to experience, he said, the full impact of rising food costs on millions of poor and low-income people.

John Tunney

At the same time, he was sponsoring legislation to permit gasoline-station operators to boost prices at the pump. Asked to reconcile these efforts, Tunney suggested that many of these poor, starving people can't afford cars anyway.

Test case

Some consumer issues are more difficult to finesse and thus provide a more interesting test of how California's Senators actually resolve conflicting pressures. For the last two years, Cranston has quietly helped kill legislation by his Democratic colleague from Wisconsin, William Proxmire, to limit finance charges on credit accounts. The Proxmire measures, supported by Tunney, would prohibit imposition of a flat minimum charge on small balances and use of computation methods that inflate interest costs. Last year, Cranston cast the decisive vote in the Senate Banking Committee when conservatives again blocked Proxmire's reforms. He argued that consumer-credit regulation should be left to the states, and warned that tighter controls on finance charges might hurt small retailers and choke off credit to minority groups. The Consumer Federation of America, which strongly supports Proxmire, said it was dumbfounded to find Cranston playing the role of executioner. Cranston replied curtly: "Sometimes I am out of line with the knee-jerk liberals."

In last year's bitterest Senate confirmation fight, Cranston and Tunney split on the nomination of San Francisco attorney Robert Morris to serve on the Federal Power Commission. Consumer groups fought the nomination on the ground that Morris had done extensive legal work for Standard Oil of California and that the FPC already was packed with pro-industry commissioners. After some hesitation, Cranston joined the anti-Morris camp, arguing that the commission needed better balance. Tunney, on the other hand, strongly championed Morris as a competent professional who could serve with impartiality on the FPC. A lawyer, he said, should be considered on his own merits and his credentials should not be confused with the interests or position of a former client.

The Morris nomination was killed on a 49-44 vote. Although it was low key, Cranston's opposition was a decisive factor. It became easier to marshal opposition against the appointment once Morris was deprived of united backing by his home-state Senators.

(The fight over Morris, incidentally, proved a turning point in White House-congressional relations on important nominations. There has since been more consultation with Senators about prospective nominees to regulatory agencies, and consumer groups have been happier with the result.)

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Alan Cranston

On politically hot issues where they can find common ground, Cranston and Tunney often find it advisable to coordinate signals and to surface with a joint statement. This was the approach they took when they decided to oppose an abortive legislative effort by Democratic Senator Warren Magnuson of Washington to nullify several Supreme Court anti-trust rulings that required a breakup of the western holdings of the El Paso Natural Gas Company. The court ordered the breakup to give California consumers the benefit of competition in the distribution of natural gas.

California's Republican officialdom, along with former Democratic Governor Edmund G. Brown and Pacific Gas and Electric Company, lined up with Magnuson and El Paso, arguing that a single strong supplier could do a better job of finding and developing adequate gas reserves. Against them was William Bennett, the stormy crusader on the State Board of Equalization and a Democrat, who was waging a lonely campaign to preserve the court's breakup order. Nudged by pro-consumer editorials, Cranston and Tunney finally announced a joint decision to oppose any congressional reversal of the Supreme Court's repeated rulings against El Paso. After that, Magnuson's efforts fizzled and a new company began taking over El Paso's pipeline system in the northwest.

More recently, Cranston and Tunney again resorted to a joint declaration when they sent a letter to the President, endorsing his efforts to open the Elk Hills Naval Petroleum Reserve in Kern County to commercial production — despite warnings that it might lead to another Teapot Dome scandal.

In unity, both senators have learned, there is not only strength but also more safety. Political opponents are bound to have a more difficult time picking off one or the other if both are equally involved in a controversial issue.

Shift on conservation

A similar closing of ranks is evident on the conservation front, where ecological priorities are bending under the impact of the energy crisis. Until recently, Cranston and Tunney enjoyed a close, smooth working relationship with the Sierra Club and other environmental groups as they strove to protect endangered species and set aside more parks and wilderness areas. Cranston fought for preservation of the rare pupfish and Tule elk. Tunney pushed for greater federal controls over development at Lake Tahoe. Both resisted efforts to resume drilling in the Santa Barbara Channel — although sometimes differing about how best to prevent new spills.

But the fuel crisis has put their ties with conservationists to a strong test. Both men broke with the Sierra Club to vote for the Alaska pipeline bill. They supported energy legislation that signals postponement or retreat for many key anti-pollution objectives. They also joined in blasting the Environmental Protection Agency's plans for transportation controls and parking restrictions to improve the purity of California's air. And they were emphatic in denouncing EPA's decision to use California as a "guinea pig" to test the usefulness of emission-reducing catalytic converters in new automobiles. Tunney went out of his way to criticize a decision by a Southern California coastal protection commission, which ruled against construction of additional nuclear power plants at San Onofre.

If a line is going to be drawn between economic progress and protection of the environment, Tunney and Cranston have made it clear on which side of it they will be found.

In 1970, Tunney almost voted for the supersonic transport plane to protect aerospace jobs in California. After discovering that job losses, at least in California, would be minimal, he switched at the last minute and helped kill the SST. Cranston also opposed the SST, which had been singled out as a prime target for defeat by environmentalists. But when an equally controversial aerospace issue arose with more direct employment consequences for California — the $250 million Lockheed loan guarantee — Tunney and Cranston backed their home-state economic interests to the hilt. In fact, it was Cranston who persuaded Senator Lee Metcalf of Montana to cast the decisive Senate vote for passage of the loan guarantee — an act that has not been forgotten by Southern California's aircraft industry.

Foreign policy

While in accord on most economic issues, Cranston and Tunney also share a generally similar outlook on foreign policy — support of Israel, a stronger United Nations, free trade (except for California lumber exports to Japan), opposition to American military involvement in Southeast Asia. But there also are some significant differences about the scope and degree of America's leadership role in the world that bear watching in the current climate of neo-isolationism.

Cranston, who works closely with Senator J. William Fulbright of Arkansas, has become a leader in congressional efforts to reduce sharply the level of American troops stationed at European and other overseas bases. Tunney, a more fervent believer in the Atlantic Alliance, opposes unilateral troop cuts. An active participant in joint conferences of NATO parliamentarians, he argues strongly that a precipitate U.S. withdrawal from Europe could lead to a revival of militarism in Germany. While both Senators are critical of foreign aid, Cranston is more inclined to use it as a whipping boy when he argues for increased domestic spending.

Neither Cranston nor Tunney is considered a heavyweight in the Senate. Both are still too "junior" for that, although Cranston is close to gaining membership in the inner circle, which prefers a quiet doer.

Cranston has broadened his influence by helping the leadership round up votes on important roll calls and by his ability to work well with many Republicans. For example, he has teamed up with Ohio's Robert Taft on legislation to liberalize housing programs, to revamp legal services and to promote development of solar energy. He worked with South Carolina's Strom Thur-

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mond to increase veterans' benefits and with Barry Goldwater to trigger a congressional investigation of the administration's handling of Daniel Ellsberg's trial relating to publication of the Pentagon Papers.

This inclination to reach across the aisle, a fairly common phenomenon in California's Legislature, is rare on Capitol Hill, and has given Cranston an important edge in winning legislative battles. There is recurring talk that Cranston may be in line for a high party post — perhaps whip — after Mike Mansfield retires as majority leader. But Cranston so far has thrown cold water on any suggestion that he may accept a Capitol Hill assignment that would cut into his timetable of frequent trips back to California. He appears determined not to repeat the mistake of his predecessor, Republican Thomas H. Kuchel, who spent so much time in Washington as GOP Senate whip and member of the Appropriations Committee that he failed to note the erosion of his political base at home until it was too late.

Tunney's steps forward

Tunney, while still on the periphery of the Senate's power spheres, took several important steps forward last year in expanding his areas of influence. As a member of the Judiciary Committee, he played an aggressive role in exposing the administration's chumminess with ITT as well as its misuse of the FBI and the Justice Department for political purposes. The sensational disclosures in turn led him to push for reforms to strip secrecy from out-of-court settlements of big anti-trust cases. As chairman of a new judiciary subcommittee on the adequacy of legal services for most Americans, he has begun to chart new reform paths for the legal profession. On the Commerce Committee, Tunney has been active in pushing for higher subsidies for mass transit, development of a high-speed rail system along the West Coast, and a crash research program to find an alternative to the internal-combustion engine.

While their paths usually converge on Capitol Hill, the two Californians have gone off in quite different directions in their relations with the White House.

Unlike Tunney, who has burned all his bridges with the President, Cranston has leaned over backward to keep on good terms with influential White House aides. He worked hard to find areas of compromise and accommodation, first with Melvin Laird and then with Vice President Gerald Ford, whose nomination he supported with effusive rhetoric. Last year, when Congress finally put an end to U.S. military involvement in Southeast Asia, Cranston supported a compromise to give the White House a few additional weeks to phase-out bombing raids over Cambodia. Tunney stood fast for an immediate end to the bombing.

Cranston still has a few IOUs to collect at the White House; Tunney has none.

California's representatives

As for their relations with another big Washington power center, the two Senators have made occasional attempts to establish effective liaison with California's huge 43-member delegation in the House. [See *CJ*, February 1974, p. 44.] But neither has been particularly successful — or notably persistent — in this endeavor. The House and Senate are two separate institutional worlds, where contacts are remarkably infrequent.

Cranston, for example, consulted with hundreds of civic, business and labor leaders in California before voting for Ford's nomination as Vice President. But he never talked with two Californians on the House Judiciary Committee, who had made an extensive investigation of Ford's background. When Cranston announced his support of Ford and the extent of his consultations, Democratic Representatives Jerome R. Waldie of Contra Costa County and Don Edwards of San Jose winced. Both voted against Ford, as did half the California Democrats in the House. With both Senators supporting the nomination, here was another demonstration of the gap between House and Senate members of the same party and state.

While on balance Cranston and Tunney have shown more unity than division on legislative issues, the pattern changes abruptly when they put on their other hats, as California politicians. In their maneuverings within the California Democratic Party, the differences have been nothing short of dramatic.

Soon after his 1970 election to the Senate, Tunney made a bid for control of the state party machinery. The effort boomeranged. But he persisted, and two years later made another power grab when he tried to take over Senator Edmund Muskie's presidential campaign in California. Again, the attempt backfired and Tunney had to endure the humiliation of attending the Miami convention as a barely tolerated, last-minute addition to the McGovern delegation.

In contrast, Cranston remained neutral in the presidential primary. He offended no particular faction and was welcomed with open arms by the McGovernites after the primary.

Views of party

The different tactics of the two men point up different perceptions of what constitutes the Democratic Party in California. Tunney has tended to look at the party with Eastern eyes — as a potentially cohesive apparatus that can be molded and controlled with proper leadership. Cranston views the party as a constantly shifting jumble of cliques and factions that simply cannot be harnessed by a single party figure. As a result, he has not tried to play a dominant role but has set out to keep the loyalty, however thin, of as many factions as possible. So far, it has proved a more successful formula than Tunney's.

Stung by his 1972 reverses, Tunney appears to have curbed, at least temporarily, his ambitions as a party king-maker and is concentrating more on his legislative work. Old wounds, however, heal slowly in politics. Many liberals still resent Tunney's victory over their favorite, Representative George Brown, in the 1970 primary — even though Brown now has high praise for Tunney's performance in the Senate.

By the same token, many of these same liberals still view Cranston as the strong party reform leader of the 1950s. They have not caught up with the more cautious politician in the U.S. Senate, who calls for cuts in government spending, assails "bloated" bureaucracies, defends the obstructionist filibuster rule, and describes himself with the same political labels Vice President Ford uses as his calling card — "conservative in fiscal affairs, moderate in domestic affairs, internationalist in foreign affairs."

So there is an "old" Cranston and a "new" Cranston, just as there is an "old" Tunney and a "new" Tunney. Something happened to both men on the way to the United States Senate: They changed.

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Public disclosure and personal privacy – state's new conflict-of-interest law

By Bruce Keppel

For a few days, local public officials seemed to be falling over one another in their haste to resign before New Year's Day. Should sunrise find them still in office, they shuddered, they would have to — well, they weren't sure what they would have to do, and that's what they said scared them.

Cause of the panic was a requirement, effective January 1st, that some 7,000 city, county and state elected and appointed public officials must disclose their assets and sources of income on taking and leaving office and annually in-between. The purpose was to help identify potential conflicts of interest — such as a contractor sitting on a county planning commission considering a zoning question affecting the firm he heads or works for.

But there were problems for some of these grassroots officials, apparently. Said Mayor John Mangini of Exeter in Tulare County: "If I disclose what I got, some people might find I had less than they give me credit for." In Nevada County, 16 local officials quit, including the chairman of the Board of Supervisors, Robert Long. He wrote Governor Reagan to explain why: "The bill is poorly written. It is unclear in its meaning. It is unreasonable, discriminatory and perhaps unconstitutional as it is being interpreted. I agree to the need for honesty in government," he added, "but I do not agree that SB 716 will provide that honesty."

Less than 1%

In all, 43 local planning commissioners resigned, plus one supervisor (Long), 12 city council members and four others. (Two Sacramento planning commissioners subsequently requested and received reinstatement after provisions of the new law were explained to their satisfaction.) About 20 other lower level officials resigned after their governing bodies decided to extend the state law to certain officials under their jurisdiction. (Common Cause, the public-interest lobby that drafted the original version of the law, noted that 12 of these came after Nevada County's Board of Supervisors applied the disclosure law to subordinates while opposing the same requirements in court.)

In any case, the New Year's resignation panic never infected more than one percent of the officials thought to come under the new law. Some of those who did resign noted that they served for little more remuneration than their expenses. This explanation cut no ice with the author of SB 716, Senator George Moscone of San Francisco. "If they have that feeling," he said, "they should get out. When you run for office, you should put the public first."

Common Cause's position is similar: "When an individual enters public life, he or she forfeits certain rights otherwise guaranteed the average citizen. In their place, one adopts the public trust and responsibility." The lobby cites a Washington Supreme Court decision upholding that state's recently enacted disclosure law (also backed by Common Cause). The opinion states:

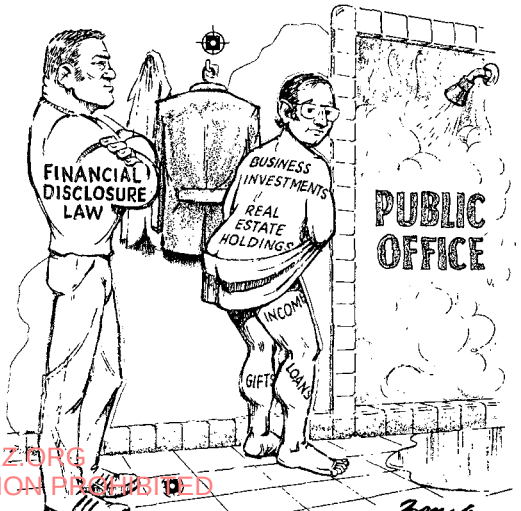
> The right of privacy, as with other rights, is not an absolute. There are inherent limitations of a unique and significant nature regarding any claim to the right of privacy on the part of candidates and incumbent public officials. It seems almost too obvious for argument that the candidate who enters the public arena voluntarily presents or thrusts himself forth as a subject of public interest and scrutiny.
>
> While there are many intimate details which may be beyond the scope of legitimate public interest, information which clearly and directly bears upon the qualifications and the fitness of those who seek and hold public office is unquestionably in the public domain.

The Washington court added that "the right of the electorate to know most certainly is no less fundamental than the right of privacy."

The grassroots outcry, which significantly was not shared by the League of California Cities, led Senator Moscone nonetheless to offer amendments to SB 716. These were developed by the League, despite its feeling that none were needed.

New requirements

The law requires certain public officials to disclose any financial interests in the area of their public re-



Lanze, Sacramento Bee

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sponsibilities, if the value exceeds $1,000; they must also indicate whether the value exceeds $10,000. (The precise amount, or net worth, is not required, only the relative magnitude of the holdings.) Any income, loans or gifts in areas of public responsibility received in the preceding 12 months and exceeding $250 must also be reported, with an indication of whether they exceed $1,000. SB 716 was significantly narrowed in scope (in order to win the League of California Cities' support) by changing "shall" to "may" in specifying local-government's responsibility in drawing up conflict-of-interest codes for their employees. [See "Open-government initiative: Legislators are prodded to act, but not enough to head off reformers," *CJ*, November 1973, p. 373.]

The act also prohibits a former public official from being paid within two years of his or her public service by anyone "whose economic interests were the subject of or affected by any action or decision in which he participated or was involved in his official capacity. This latter prohibition apparently triggered a number of the resignations from planning commissions, whose membership often is heavily drawn from architects and contractors. But qualifications attached to SB 716 greatly restrict the applicability, so that an architect, for example, would not be prohibited from working as an architect except under a specified circumstance.

Question of income

The fundamental hangup, however, seemed to ride on what constitutes "sources of income" under the new law and on whether their disclosure could violate rights of privacy. The privileged confidentiality of doctor-patient relationships was cited, as well as the relationship of lawyers and their clients, and Long, an insurance salesman, cited local problems he would have if he disclosed who all his clients were.

Moscone and the League of California Cities repeatedly asserted that the intent of SB 716 was clearly to pinpoint areas of potential conflict of interest and not to disclose net worth. (Net worth requirements were specifically excluded since they had led the state Supreme Court to strike down the Unruh Disclosure Act of 1969 on the ground of invading privacy.) "It was Senator Moscone's and the Legislature's intent to require only the disclosure of the business or activity as the source of income — *e.g.*, hardware, grocery, insurance, medical, law, interest, dividends, etc.," the League informed its membership last month. "It also is our view that this is now the law, but SB 1340 will confirm this view."

SB 1340 is a technical measure that basically restates legislative intent. (It also adds Moscone's name to the Governmental Conflict of Interests and Disclosure Act.) The "corrective" measure adds, under the section expressing the Legislature's intent, the statement that the act seeks "to assure that no official will have economic interests which are in substantial conflict with the proper exercise of his official duties and powers." It also defines the troublesome phrase "source of income" as "the business entity or activity of the official which earned or produced the income." It clarifies several other sections, notably the one earlier weakened in SB 716: "Each public agency may adopt guidelines for its officials in determining whether they have an economic interest in matters for purposes of [this act]." It pins down the point that worried some who resigned in fear of cutting off their livelihood: "This section shall not apply to a former public official who left office or employment prior to January 1, 1974. This section shall not apply to a former public official who served without compensation, other than expenses, on a purely advisory board, commission, or committee."

Finally, SB 1340 adds this section: "The Legislature finds and declares that the amendments affected by this act are declaratory of the legislative intent. . . ."

Assembly maneuvers

That is the extent of change wrought by SB 1340, but the Assembly Republicans rebelled against these technical points after the Senate had unanimously approved the measure. They charged that the bill would create "a giant loophole" that would enable legislator-lawyers to slip through the act's provisions. On the basis that SB 1340 did nothing (a point its author readily conceded) or weakened SB 716 (a point Moscone hotly denied), the minority leadership voted unanimous opposition to SB 1340. This effectively blocked the two-thirds majority needed to grant urgency status to the measure, which would have allowed it to take effect on the Governor's signature. The bill passed without a vote to spare, on a simple majority, with a number of absentees and the Republicans still unanimously opposed.

As the measure cleared the Legislature, the League of California Cities remained apprehensive. "Undoubtedly, attempts will now be made by the Republican members of the Assembly to urge the Governor to veto the bill," the League warned its members (who represent most of California's cities). "We hope that city officials will request his approval. As a non-urgency measure, it will not take effect until January 1, 1975, but approval will clearly indicate to the courts legislative intent, and this is basically all that was sought in the first place. No urgency measure is likely to be approved prior to the April filing date [specified in the act for the annual reports] unless there is a change of position by the Republican members of the Assembly."

The Superior Court of Nevada County received the county supervisors' case against the constitutionality of the measure after the state Supreme Court in December refused to either consider that point or even delay implementation of the bill. Instead, it bounced the case back to the lower court.

Proposition 9

Whatever the outcome of litigation, California voters will have before them on the June 4th primary ballot Proposition 9. Sponsored by Common Cause and the People's Lobby, the initiative spells out, among other things, a similar disclosure law that is even broader in scope and much more precisely worded. The sponsors feel that their initiative's detail — particularly in relation to lawyers and brokers and their clients — will protect both privacy and insure against charges of unconstitutional vagueness.

Secretary of State Edmund G. Brown Jr., whose office issued guidelines for complying with SB 716, is also a sponsor of the initiative and stands behind its constitutionality [*CJ*, November 1973, p. 373]. "Politicians who refuse to disclose their outside financial interests," said Brown, "have no place in public office. It is unfortunate that so many people have resigned from office, but the public's right to know about an official's outside income must outweigh any politician's desire for secrecy."

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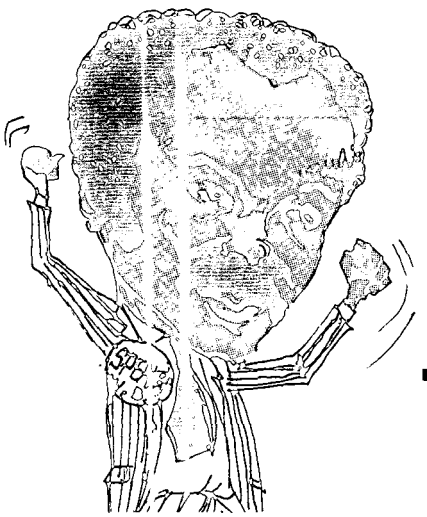
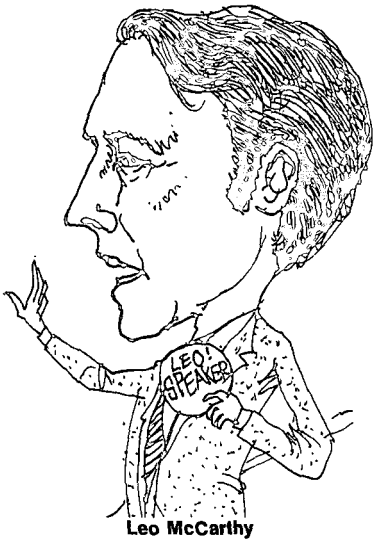


Willie Brown

RACE PUBLIC DOESN'T SEE

The constant quest for the speakership



Leo McCarthy

By Ed Salzman

In a normal political contest, candidates campaign openly and seek maximum exposure for their promises, and the electorate makes its decision in the privacy of the voting booth. But precisely the opposite is true of legislative leadership battles. Those seeking the state's second most powerful office, Assembly Speaker, campaign privately among a select number of voters. Promises, if any are made, remain top secret. And each vote is cast in full view of the public on the Assembly floor (although there might not be much of a contest left by the time the issue reaches this stage). Once the magic number of 41 votes is reached, most everyone jumps on the bandwagon so as not to be left behind when favors are disbursed.

During the last decade, considerable attention has been given to contests for the top job in the Senate, President pro Tempore. But that post is not nearly as important as the Speakership, because the pro tem must share his power with the four other members of the Senate Rules Committee. By himself, the Speaker can exercise life-and-death control over virtually all bills through his power to appoint all committee members and chairmen (except for the members of the housekeeping Rules Committee).

Senator James R. Mills, a San Diego Democrat, now appears relatively secure in his Senate leadership post following the election of Ruben Ayala in a recent special election. This gave the Democrats a 21-19 majority in the Legislature's upper house. But a full-scale battle is in progress for the right to succeed Assembly Speaker Bob Moretti, who is running for Governor and is expected to resign his leadership post before the end of the year -- possibly right after the June primary, whether or not he wins the Democratic nomination.

Fight among Democrats

In recent years, the Speakership has only changed hands when there was a change of partisan control of the Assembly, and that is a relatively easy transition to make. That is not the case now, because no one expects the Republicans to gain control of the Assembly next year. Thus, the fight is an internecine affair among Democrats supporting either of two San Franciscans, Willie Brown or Leo McCarthy. Brown, chairman of the Ways and Means Committee, is a close ally of Moretti, has his support, and claims to have enough votes to win. McCarthy, Labor Relations Committee chairman, lacks Brown's flashiness and wit, but has the support of a large bloc of assemblymen; he claims to be near the magic number of 41 votes.

McCarthy and Brown are natural rivals. They come from opposite ends of the Democratic Party in San Francisco, factions that have been engaged in rather ugly battles for many years. Brown is allied with Representative Phil Burton, and McCarthy was an associate of the late Senator J. Eugene McAteer. [See "Fall and rise of San Francisco", *CJ*, November, 1973.] They have been campaigning against one another for the Speakership for years — in fact, since January 4, 1971, when Moretti first was elected Speaker.

The Speakership is such a powerful post that assemblymen are constantly maneuvering into position to take a shot at the job. In recent years, anyone who has won the Speakership has automatically been transformed into gubernatorial timber — at least in the Speaker's eyes. As soon as he starts talking about running for higher office, others try to line up votes for the Speaker's job.

Speaker Unruh

In 1966 when Jess Unruh led the Assembly, he let it be known that he might run for a post-reapportionment seat in the state Senate (a notion that sent shivers up many a senator's spine). Immediately, Democrats Carlos Bee and the late Robert W. Crown, both of Alameda County, launched Speakership campaigns. Bee's was managed by Jerome R. Waldie, then majority leader and now a congressman running for Governor. The contest became so bitter that some friendships — notably between Crown and Unruh — were permanently strained. As it turned out, Unruh decided to remain in the Assembly, and the Bee-Crown battle proved to have been a useless ordeal.

Unruh won the Speakership in September 1961, after Ralph Brown accepted an appellate court appointment. He held the job longer than any other man, and was removed only when the Republicans took control of the Assembly at the start of the 1969 session and Republican Robert Monagan won the Speaker's job. Unruh became minority leader.

Republican interlude

Democrats recognized that Monagan would probably not hold the job long, primarily because there was a good chance that the GOP would lose control of the house at the next election. This is precisely what happened. So when Unruh resigned as Democratic leader to run for Governor four years ago, the contest to replace him as minority leader was akin to a Speakership race.

Moretti wisely decided that the time was not ripe for a move. Crown and Brown, among others, sought

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On the banks of the Sacramento

the job. Brown applied tremendous pressure on some of his liberal Democratic colleagues by having black constituents pressure their assemblymen to support him. This move did make it difficult for some assemblymen to vote for anyone but a Negro for the post, but they would not yield to Brown's maneuver and instead settled on relatively inexperienced Assemblyman John J. Miller of Berkeley, who suddenly found himself elected Democratic spokesman. Moretti and his followers supported Miller because they did not view him as a sufficiently good organizer to mount a successful Speakership campaign, and Miller himself professed no interest in the top job.

Moretti then went to work rounding up funds for Democratic candidates in the 1970 legislative election. He identified those districts in which Democratic freshmen were most likely to win, and made sure that he poured enough resources into their campaigns to get their votes for Speaker in January 1971. The men who had previously backed Crown tried to compete with him but were hopelessly outmanned. By the time the Democratic caucus met to tackle the issue, there were only three men left who were not caught up by the Moretti operation — Crown, Miller and Alan Sieroty. They were omitted when Moretti subsequently selected committee chairmen, but Crown and Sieroty eventually became team players and were given leadership posts. (Crown's death last May was a blow to McCarthy, who had counted on him as a leader in his Speakership campaign.)

Behind the scenes

It is not unusual for Speakership contests to be under way — at least on a low-key level — even while the incumbent has a stranglehold on the job. A Speaker can always weaken himself with a major blunder. Unruh could have been toppled by his friend Waldie during the infamous "lockup" of Republicans during the budget battle of 1963, but Waldie recognized that a Speakership gained under chaotic conditions isn't worth much. (Such hectic conditions in the Senate a few years ago produced four Presidents pro Tempore in 20 months.) During Monagan's Speakership, Assemblyman James Hayes (now a Los Angeles supervisor) claimed to have the votes to become Speaker any time the climate was right, but it remained warm for Monagan throughout the two years of Republican control of the Assembly.

There are always those who are standing by during leadership fights ready to play the role of compromise candidate. McCarthy was in that position in 1971. He thought he could pick up the pieces if Moretti faltered. Brown, as Moretti's right hand man and dynamic Ways and Means Committee chairman, has viewed himself as the logical successor. Thus, their rivalry for the job has been developing for more than three years, and they have been lining up supporters all that time.

The trouble is that there are always some who either won't commit themselves or who give both sides assurances that they are on their team. During a campaign in the early 1960s, the candidates discovered that the late Alan Pattee of Salinas had committed himself to both sides. When confronted, Pattee quipped: "A guy's got to protect himself." Republican Pattee had the ability to get himself a committee chairmanship even when the Democrats were in power. But those were the days when the Assembly was less partisan than it has become today, and Speakerships were decided on other issues. Luther (Abe) Lincoln, a Republican from Oakland, won the Speakership in 1955 with backing predominantly of Democrats. All the key committee posts went to those who voted for the winner, regardless of party. Those who supported the loser paid the penalty.

Rewarding friends

Just how far Speakership candidates go in promising chairmanships to potential suporters is a matter of conjecture. Some undoubtedly get firm commitments. It was clear, for example, that if Moretti won, Brown would head Ways and Means. McCarthy has let some assemblymen know that he wants them to be part of the leadership if he wins — whatever that may mean. The big danger is in promising more than can be delivered, because that paves the way for a disgruntled opposition that might bring down a Speaker.

In recent years, one key ingredient to winning has been courting incoming freshmen. McCarthy and Brown have both been active in special election campaigns, and will be sending their resources into many elections this year in an effort to befriend newcomers. The freshman class after any election can be large enough to swing the balance of power. And the 1975 class is apt to be especially large since it will follow the court-ordered reapportionment.

Although McCarthy and Brown are the avowed candidates for Speaker now, there is no assurance that either will actually get the job. There is always the chance — slim as it seems — that Republicans will win a majority, making it probable that one of their kind would get the job. More likely, however, is the prospect of Republicans creating a Brown-McCarthy impasse by refusing to vote for either. This would force Democrats to break the deadlock, which could set the stage for a compromise candidate.

What counts

What are the issues that decide who will hold this second most powerful post in the state? There are none. Unlike a traditional political contest, how a candidate stands on the vital questions of the day is relatively unimportant. What does count is the political alliances a candidate has developed over the years, personality (Brown is a dramatic performer, McCarthy a quiet worker), support provided various successful candidates during the last campaign, and ability to convince one's colleagues that they will be better off under his Speakership. Friendship is far more important than political philosophy. Brown, one of the most liberal members of the house, has the backing of conservatives. McCarthy, who is in the mainstream of Democratic thought, has the support of liberals who are politically more akin to Brown.

In analyzing Speakership contests, the lessons of traditional politics must be ignored.

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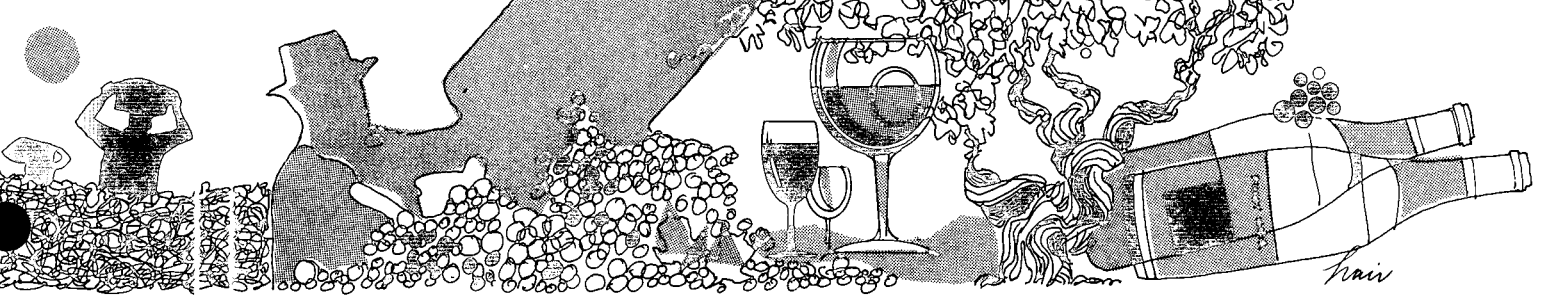

Mission improbable: squeezing more revenue out of grapes

By DONNA MARSHALL

California's wine industry today scarcely resembles that of four decades ago — except for the cent-a-gallon excise tax levied on dry table wines. The industry's rapid expansion in recent years, its current record high prices and sales, and the growing domination by California wine of the national market raise the question: When does an infant industry mature sufficiently to outgrow the need for special consideration from the state?

As 1974 opens, California's wine-makers find themselves waging a campaign in Congress designed to increase their lion's share of the national market while, for the first time in recent history, they must fight an attempt to increase the California excise tax on wine (as well as beer and distilled spirits). In doing so, industry spokesmen must plead special-status at home while arguing free enterprise in answer to charges of overpowering fledgling wine industries in other states.

Tax on wine

The excise tax on California wine is the lowest in the nation. Initially set at 2¢ a gallon in 1933, it was cut in half in 1937 for wine containing less than 14 percent alcohol, with the 2¢ rate still applying to wine exceeding 14 percent alcohol. Those rates have not changed, though the levies on beer and distilled spirits were set higher and have been raised — to $1.24 per 31-gallon barrel of beer, and to $2 per gallon of distilled spirits. (A 24¢-per-gallon levy on sparkling wines, set in 1941, was raised in 1955 to 30¢.)

When the minimal excise tax was placed on wine, California's vineyards were scarcely the models of viticulture they are today; they were in desperate shape. Prohibition dried up the fine-wine market overnight, and home wine-making provided no demand for such prized varietals as cabernet sauvignon and pinot noir. These were sacrificed in favor of grapes better suited to the rigors of shipment to eastern markets. Dried up too was the state's pool of skilled wine-workers, many of whom moved into other trades. Wineries closed. Cooperage facilities deteriorated. The distribution system disappeared.

By the time the 21st Amendment to the U.S. Constitution was ratified in December 1933, repealing the 18th Amendment which had instituted Prohibition, wine-making was scarcely an industry in California. Its parlous state left it unable to rebound after repeal. The cheap wine of low quality that was rushed onto the market encountered consumer indifference and a worsening economic depression.

As conditions declined in the latter 1930s, California's remaining wineries created the California Wine Institute, a non-profit organization designed to improve public appreciation of wine and defend the industry's position before the Legislature and Congress. The institute's first task was to try to soften the impact of the 21st Amendment, which left to the states control of alcoholic beverages. While some states continued to ban alcoholic beverages and others limited sales to government outlets, California in 1933 opted for the excise tax and a system of licensing public sales outlets, and the Wine Institute's first victory in Sacramento was to cut the tax on dry table wine to its present cent-a-gallon rate — one-fifth of a cent per bottle.

While California's pastureland and orchards yielded in the postwar years to subdivisions of look-alike houses, the vineyards of the Napa, Livermore, Santa Clara and San Joaquin Valleys were more than holding their own. As the 1960s progressed, more and more acreage was being put into vines. "For years we've been increasing the size of our vineyards," commented Harry G. Serlis, president of the California Wine Institute. "In most cases, we're planting only the choicest grapes. The new area planted last year is two and a half times the size of the whole Burgundy region of France."

A number of other counties have become major wine-grape producers, too, and vines are being tested in the foothill counties of Mariposa, Amador, El Dorado, Placer, Yuba, Butte, Tehama, Calaveras, Colusa and even Sacramento. In 1971, approximately 32,300 acres of new plantings were made, followed by an additional 48,600 acres in 1972. With the estimated 51,300 acres of new plantings set out in 1973, 132,000 more acres will reach bearing age in three or four years. This is almost double the acreage in wine grapes in 1972, when 137,210 acres were productive.

Why raise the tax?

Proponents of increasing wine's contribution to state revenues argue less from the point of view of fiscal potential — it is relatively small — than from that of equity. "The wine industry has been isolated from tax increase over the past years," commented John Vickerman, chief deputy to Legislative Analyst

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The author, a student at the University of California at Davis, prepared this article while serving an internship with the California Center for Research and Education in Government, publisher of the Journal.

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Wine in California

Father Junipero Serra and his fellow missionaries brought with their old-world faith a number of grapevines, which were planted in the Mission gardens. By the Gold Rush era, viticulture and enology were relatively well established in the state, and some 60,000 gallons of wine flowed annually from the presses dotting the area between Los Angeles and Santa Barbara.

Count Agoston Haraszthy, appointed grape commissioner in the 1850s, returned to his native Europe to collect vine cuttings for testing in the San Francisco area. The success of this testing greatly expanded the state's production of wine. By 1885, a Berkeley soil scientist named Eugene W. Hilgard evolved the mechanics of the modern wine industry, and the University of California, with a $5,000 appropriation from the Legislature, began its long program of experimentation, which today is centered on the Davis campus.

When pests struck the European vines in California, the scourge was eradicated by grafting the European varieties on the sturdy and immune roots of native American vines. (When the same infestation, phylloxera, struck France's vineyards in the 1870s, California rootstock was used to regenerate the stricken vineyards.)

By the turn of the century, the state was producing almost 19 million gallons of wine a year — more than 80 percent of all American wine. But what nature couldn't destroy, man almost did. Prohibition devastated the vineyards, and its repeal in 1933 came at the depth of economic depression. It was not until after World War II that recovery could begin — but it was slow, a fact that the spectacular growth of the last five or six years has sometimes tended to obscure. Today, vineyards are one aspect of agriculture able to hold off new subdivisions, which means only that the grape's worth has exceeded that of a cul-de-sac lined with California bungalows.

A. Alan Post. "The basic question is: When the state needs dollars, why are certain levies exempt?"

An answer to that question may be provided by debate on Senate Bill 1497, which was introduced on January 7th by Senators Arlen Gregorio and John Harmer. To raise funds for financing expanded county programs to combat alcoholism, SB 1497 would double excise taxes on all alcoholic beverages.

While this would amount to a hefty increase in the present levy on beer (to $2.48 per 31-gallon barrel) and distilled spirits (to $4 per gallon), doubling wine's cent-a-gallon contribution would remain minimal. Translated into revenue, current rates raised $2.2 million from 73.5 million gallons of wine ($565,000 on dry wines, $285,000 on sweet wines, and $1,350,000 on sparkling wines); only 48 million gallons of distilled spirits, on the other hand, netted the general fund $96.7 million.

Jefferson Peyser, Wine Institute lobbyist, suggests that, if wine is such a marginal source of tax revenue, why increase the rate? "A tripling of the tax would result in only $1.2 million more," he points out. "On the other hand, it could do a lot of harm to the consumer in that it would increase the cost to the consumer." Counters Vickerman: "With general-fund revenues, a group must have some special reason for remaining low. The wine industry has put forth no such sound economic reason."

Well, Peyser is willing to try, and he and his assistant, Paul J. Lunardi, have so far done a persuasive job of justifying wine's continued fiscal treatment as something of a permanently endangered species. (Both men bring legislative experience to their lobbying, Peyser as a Republican assemblyman from San Francisco, and Lunardi as a Democrat in both houses of the Legislature.)

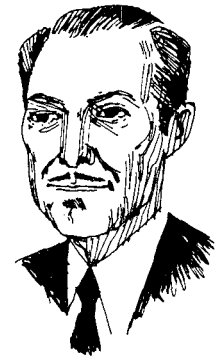
Cost of wine

The rapid expansion and upgrading of California wines has indeed brought with it record revenues for the state's wineries, Peyser concedes. Moreover, table wines have shown themselves to be remarkably immune to the dampening effect higher prices usually have on demand; while wine prices rose 27.7 percent since 1967, consumption over the same period rose by 57 percent. But, says Peyser, wine-making remains a low-profit, high-cost enterprise with much of the revenue being ploughed back into production. Excessive profits would not have been permitted under President Nixon's price-stabilization program, he maintains. While prices have risen sharply, Peyser argues, labor costs have risen even more sharply — 80 percent in the last five years. And such prestige varieties of grape as cabernet sauvignon and pinot noir cost more than $800 a ton in 1973 (up from about $300 a ton in 1968). Increased demand for these varietals was intensified by poor crops in three of the last six years (though 1973 produced the largest crop in history). "The price of grapes," says Peyser, "is up to 80 percent of the cost of the finished product."

Because of the relatively low crop yields and burgeoning demand, vintners have dipped deeply into their accumulated inventories, which are at record low levels. According to a Bank of America survey of the industry, the effect of these lean years will be fully felt in the wine market in the next few years. Adding more tax, Peyser suggests, will do nothing to help the industry.

Along with the upgrading of wine types, wine-making procedures have also been improved, Peyser continues. A large amount of capital outlay is required for crush-and-filtering equipment, which is used only during the six-week fall harvest. ("The sophisticated processing equipment," he observed, "is that which costs the most and is used the least.") And, as with every other business, almost all other costs have risen, too: glass for bottling, paper and printing for labeling and packaging, cork (as shoe-makers compete for stocks to build platform heels), and transportation.

Finally, Peyser views wine as an agricultural com-



Jefferson Peyser

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modity. Grapes are California's number one crop, and rank third as an agricultural industry. "I know of no other agricultural industry which is paying an excise tax," he commented. To Peyser, the fact that the cent-a-gallon tax was not raised when the excise taxes on beer and distilled spirits were raised reflects primarily the depressed status of the wine industry until its very recent rapid growth.

Foreign competition

While California's wines dominate the national market, their percentage has been slipping gradually, even as sales have increased. Some rivalry comes from the developing industries of other states, such as Washington, and the more established wineries of New York and Ohio. But the chief competition comes from imported wines, which have registered the highest rate of growth each year since 1968. According to the Bank of America study, shipments of these wines into U.S. channels increased a little more than 30 percent in 1972, following a rate of growth exceeding 20 percent in 1970 and 1971. Any effect of devaluation of the dollar has so far been offset by the rising price of domestic wines and the consumer's apparent willingness to pay whatever the asking price. Though the effect of out-of-state and foreign wines has not been to slow growth of California's wine industry, it does suggest that the market is not limited and that stocks from all sources will eventually exceed demand.

To Peyser, this only means that the industry remains hard-pressed and in no need of additional higher costs that might diminish its share of the national market.

The California Wine Institute is seeking to improve the industry's posture in the out-of-state market by waging a legislative campaign in Congress with the support of Representative John Moss of Sacramento. Under Moss' HR2096, a state would be prohibited from imposing special restrictions on wines originating from outside its borders. Under present practice, justified by the local-option provisions of the 21st Amendment, California wine faces a $1.15 tax per gallon in Florida, while wine made of Florida fruit pays only 23¢ a gallon (still, of course, 23 times California's rate); in Virginia, a $100 annual registration fee is required to distribute out-of-state wines and only $5 for peddling the products of Virginia firms.

Moss' legislation enjoyed the unanimous support of California's 43-member delegation as well as backing from such other major wine producers as Ohio and New York. Its supporters hug the Constitution, citing Article I, Section 10, which specifies that a state shall not erect barriers against commodities produced in other parts of the nation. "This bill," said Moss, "is in keeping with the finest traditions of free trade between the states."

Clears the House

HR 2096 cleared the House last year on a 248-152 vote, and is now in the Senate, where a Finance subcommittee has begun hearings on it. Subcommittee Chairman Walter Mondale of Minnesota commented after the opening hearing in January that, "as a matter of public policy, the arguments favor adoption of this bill." But if the argument is accepted that discriminatory taxes on out-of-state wines are covered by the 21st Amendment, Mondale added, then the senators would be "disinclined" to pass the bill.

The chief opposition is coming from the 18 liquor "control" states which restrict the sale of alcoholic beverages to state-operated outlets. These are Alabama, Idaho, Iowa, Maine, Michigan, Mississippi, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming. They have cited a need to protect fledgling wine industries from the California Goliath; they also express concern that the proposed legislation could enable the popular California wines to dominate the inventories of their state-controlled outlets.

For California's wine industry, enactment of HR 2096 would encourage its further growth and prosperity. Its passage might also pose the question of whether Peyser and the Wine Institute can have it both ways — dominance abroad and poor-mouth at home.

Roster additions and corrections

In the 1974 edition of the *California Journal Roster and Government Guide,* published in last month's issue, several errors cropped up:

- *On page 3,* the Franchise Tax Board's address is 1025 P St., Sacramento 95814.
- *On page 7,* Assemblyman William Lancaster is a Republican.
- *On page 9,* under Assembly Standing Committees, the committee chaired by Assemblyman Keysor and listed as Efficiency and Cost Control should be Elections and Reapportionment; its partisan composition is 8 D, 4 R.
- *On page 11,* the date of the Easter legislative recess should be April 4-15, and April 15th is the last day legislators can ask the Legislative Counsel to draft bills. The last day to pass bills, with a few exceptions, is August 31st.

The following boards should be added to those listed on page 3, The Executive Branch:

Air Resources Board
1025 P St., Sacramento 95814,
(916) 322-2890.
William Simmons, executive officer.

California Coastal Zone Conservation Commission
1540 Market St., San Francisco 94102,
(415) 557-1001.
Joseph E. Bodovitz, executive director.

Water Resources Control Board
1416 Ninth St., Sacramento 95814,
(916) 445-3993.
Bill B. Dendy, executive officer.

Consumer Affairs Boards and Commissions — complaints
Auto repair toll-free "hot line":
(800) 952-5210;
Sacramento only 322-2880.
Other complaints: (916) 455-0660

Department of Commerce
1400 10th St., Sacramento 95814,
(916) 445-2008.
John Geoghegan, director.

In addition, Senator Ruben Ayala now has the following field office, which can be inserted on page 5:

486 W. Fifth St.,
San Bernardino 94401
(714) 884-3165

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Samish and 'Mr. Legislature'

Death of Artie Samish: lobbyist's legacy lives

BY RICHARD RODDA

The death of Arthur H. Samish stirs memories of attempts at lobbying reform, together with the stark realization that precious little has been accomplished. As a super lobbyist, Samish in his day had more power than any member of the state Legislature. Twice, his activities led to investigations. Lawmakers reacted by giving lip service to the idea of reform. It is true that nobody comparable to Samish has emerged, but the power of the special interests is as great as ever.

Until his downfall over income-tax evasion in the early 1950s, Samish was the man to see in Sacramento about legislation concerning liquor, racing, banking, cigarettes, trucking and other interests. Samish died in San Francisco on Lincoln's birthday at age 75, ending a colorful career going back to the 1920s.

What gives the special-interest lobbyists a disproportionate share of the influence on bills is their campaign contributions and lavish spending for the entertainment of legislators during the regular sessions. Consequently, lobbyists fall into two categories — those with a bankroll and those without.

Ironically, the "have nots" in the lobbying business are those with the broadest representation, coming closest to being lobbyists for the people. The California Consumer Federation, the American Civil Liberties Union, the California Congress of Parents and Teachers, the Friends' Committee on Legislation, the National Association of Social Workers, the California Church Council, the California Council of the Blind, the League of Women Voters, and the National Association for the Advancement of Colored People are among those who rely almost exclusively on moral persuasion to convey their message to the lawmakers. They lobby for nonprofit causes. The transportation industry, insurance companies, financial institutions, labor unions, land developers, private utilities, the medical profession, organized teachers and the oil companies, on the other hand, ply their trade with money. Of secondary importance are their arguments based on merit.

It was Samish himself who resorted to hyperbole when he said: "I can tell if a man wants a baked potato, a girl or money." He reportedly raised $1 million over a six-year period from a nickel-a-barrel levy on beer provided by his biggest client, the Brewers Institute. These funds, he explained in an autobiography written in 1971 with Bob Thomas *(The Secret Boss of California)*, were used to "select and elect" members of the Legislature who would vote his way; if they didn't, he'd "unelect" them.

It was an open secret that Samish controlled the old Public Morals Committee in the Assembly, often called the "public morons committee" by cynical reporters. This was the committee that considered legislation for Samish's liquor-industry friends. Samish never attended committee hearings in person, but his lieutenants were always there, seeing to it that enough Samish men were present to approve or kill bills to Samish's liking. Once, a legislator dared to call it "the lousiest, stinkingest" committee in Sacramento. He was defeated at the next election.

Samish and others were investigated by the Sacramento County Grand Jury in 1937. This produced many headlines but no indictments. The Legislature had a great opportunity to tighten up the laws regulating lobbyists but did nothing. During this period, Samish declared: "To hell with the Governor of California. I'm the Governor of the Legislature."

Samish book available

Copies of the Artie Samish autobiography, *The Secret Boss of California*, originally published at $5.95, are available from the *California Journal*, 1617 10th St., Sacramento 95814, for $3.

In 1949 Samish, who had been unavailable to reporters during most of his lobbying days, allowed himself to be interviewed for a two-part series in the old *Colliers* magazine. He posed with a ventriloquist's dummy dressed as a hobo on his knee, and was quoted as saying: "And how are you today, Mr. Legislature?"

Samish was repeatedly investigated by state, national and local officials. (The late Senator Estes Kefauver called him "a combination of Falstaff, Little Boy Blue, and Machiavelli, crossed with an eel.") He was convicted in 1953 of income-tax evasion ($72,000 between 1946 and 1951) and served 25 months in the federal prison at McNeil Island. He never returned to the lobbying profession.

As a result of Samish's exposure, the Legislature did enact a registration law for lobbyists, with a requirement that monthly reports of their receipts and expenditures for Sacramento activities be filed. But there are no teeth in the law. Whatever penalties are involved for failure to live up to this law have seldom if ever been enforced. This year, California voters are being offered an initiative measure, Proposition 9 on the June 4th ballot, designed to remedy that situation.

In 1969, the self-styled "progressive" Republican who started his career as a legislative clerk made a rare public-speaking appearance before the Sacramento Press Club in the Senator Hotel, the very building where his lobbying operations of the 1930s and 40s were headquartered. He surprised reporters by calling for stiff increases in the taxes paid by his former clients on liquor, racing, cigarettes and oil. This was a tribute to the standard of lobbying maintained in Sacramento since the departure of Arthur H. Samish.

The author is a veteran Sacramento political writer who covered the Legislature during the Samish era.

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National health insurance: *Must California lead the way?*

If California labor chieftain John F. Henning is right, Congress will not enact a comprehensive national health insurance plan until a similar far-reaching program is first adopted by California or another major state. The state Legislature has killed the labor-sponsored medical insurance bill authored by Senator George Moscone, and there is no other measure on the horizon that would pack the wallop needed to make an impact on Washington. That is why Henning, executive secretary-treasurer of the California Labor Federation AFL-CIO, dispatched letters to every affiliate in the state asking whether unions are willing to undertake an initiative campaign to get the Moscone plan, called the Consumers Health Protection Act (SB 770), on the November ballot.

"I believe national health care will come only after a major state such as ours first enacts a state-level plan," Henning wrote. "Some of you may recall that's how we first got unemployment insurance. It was enacted first by New York state in the 1930s under the leadership of George Meany and later incorporated into national legislation." Henning's assessment should not be taken lightly despite the current push for a national health-care bill by President Nixon. The labor leader, who served as undersecretary of labor in the Kennedy administration, has excellent contacts in Washington.

The Henning letter apparently produced no great outpouring of enthusiasm for an initiative campaign, which presumably would have been conducted by the California Council for Alternative Health Plans, an organization financed by the AFL-CIO and Teamsters, which has been spearheading the drive for the Moscone measure. Nor has there been any groundswell of support in Sacramento for enactment of legislation that would drastically reform the health-care industry in California. The Moscone bill, which had cleared the free-spending Senate Health and Welfare Committee, came a cropper by a vote of 4 ayes and 8 noes in the Senate Finance Committee.

Reagan's efforts

The labor-Moscone combine has not been the only active force in the health-care field in recent years. Governor Reagan made passage of a catastrophe health-insurance bill the keynote of his legislative program in 1972. He called catastrophe insurance the single biggest health need of Californians, and especially of those in the middle-income range. But his bill never was fleshed out and died in its original committee. A similar bill was introduced last year but died without as much as a full-scale hearing. Assembly Speaker Bob Moretti toyed with the idea of pushing a complex health-insurance plan developed by James A. Lane, then director of the

John Henning

Assembly Office of Research and now an attorney with the Kaiser Foundation Health Plan. Moretti decided, however, to let the proposal gather dust.

Health insurance proposals are nothing new in California or in Washington. As Governor, Earl Warren tried repeatedly to enact a compulsory health-insurance program but was defeated by the bipartisan economy bloc in the Legislature. In Washington, Senator Edward Kennedy of Massachusetts has been attempting for years to win sufficient support for his comprehensive proposal roughly equivalent to Moscone's, but on a national scale.

High cost of health care

What has led to the current push for a bill is the rapid recent rise in the cost of health services and the desire of labor leaders and others to spawn a proliferation of Health Maintenance Organizations (HMOs) similar to the Kaiser Foundation Health Plan, which now provides care for 2.1 million Californians. The average daily charge for hospitalization rose above $100 in California during 1972, a 100 percent increase in just six years and the highest rate in the nation. Doctor fees rose 74 percent from 1960 to 1972, according to the American Medical Association, and health-care costs have been one of the highest-rising elements of consumer spending. An estimated $10 billion will be spent in California this year on health care, and that figure is expected to rise at the rate of 10 percent a year.

The problem of rising cost does not work any special hardship on the poor; they have Medicare and Medi-Cal to pay many of their medical bills. The problem for the poor is that there is a shortage of doctors in California, so most of them tend to set up shop in the more affluent neighborhoods and ignore the ghettos. This means that those in the crumbling city cores and

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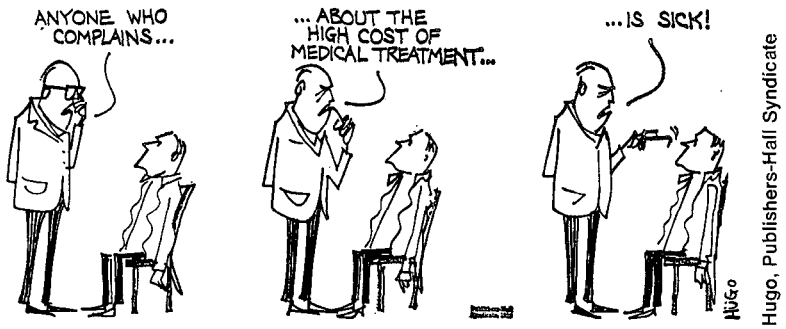

rural communities often cannot get adequate health care at any cost.

Had the Moscone bill cleared the Senate, it would have run into opposition from a surprising source in the Assembly — the staff of the Ways and Means Committee, chaired by Assemblyman Willie L. Brown Jr., a long-time political ally of Moscone. Health specialist Steve Thompson of the Ways and Means staff explained that programs putting more money into health care will do nothing more than inflate the cost of services. This is what Medicare and Medi-Cal have done, he said. Instead, Thompson said, the Assembly is concentrating on increasing the supply of doctors and other health personnel so that a measure of competition will help keep prices down. He is especially perturbed that the state Board of Medical Examiners has not implemented the physicians' assistant program passed by the Legislature several years ago.

Moscone's plan

The Moscone Consumers Health Protection Act, which was opposed by the California Medical Association, would have included these features:

Coverage. All California residents would be included, except employees of the federal government, who could join voluntarily.

Financing. All funds now spent by local, state and federal governments would be used as well as employer and employee payroll taxes, with the worker's share graduated according to income.

Administration. A nine-member state Health Commission with consumer representatives in the majority would be appointed. The commission would have broad powers to regulate costs, set standards for health plans, and administer the huge Health Care Trust Fund.

Benefits. Those enrolled in prepaid plans would get all the normal medical services in insurance programs, plus nursing-home care, dentistry, psychiatric care, prescription drugs and medically related social services. During a four-year transition period, those not yet enrolled in prepaid plans would be limited to 120 days of nursing-home care, 45 days of psychiatric hospitalization, 20 visits to a psychiatrist, and would pay $2 per prescription.

Goal. The emphasis, like the recent federal act signed by President Nixon, would be to put as many Californians as possible into Health Maintenance Organizations of various types and sizes. Moscone claims that up to 30 percent of the cost of health-care can be saved by employing these HMOs or Prepaid Health Plans (PHPs) because preventive medicine is stressed and fewer days of hospitalization per patient are needed.

Federal act

The new federal health-care bill, which appropriates $375 milion over a four-year period to encourage development of Health Maintenance Organizations, was approved by Congress with near unanimity but was in danger of being vetoed by Nixon, who did finally sign the bill. The measure was opposed by the American Medical Association, which is fighting a losing battle to halt inroads into the traditional fee-for-service method of obtaining health treatment. (HMO members pay their bills through monthly dues and occasional token payments for visits.) But the provision in the bill (S 14) that gave rise to the speculation about a veto gave the federal government the right to override state laws hindering development of an HMO aided by the federal act. The administration itself opposed that provision as contrary to its philosophy of returning control to state and local governments.

The bill is designed to develop about a hundred HMOs around the country, with 20 percent of the funds earmarked for non-urban areas. The measure is not expected to have nearly as much impact in California as elsewhere because prepaid health plans are already well established here. Aside from Kaiser, there is the Ross-Loos group in Los Angeles, and numerous others established under state prodding in an effort to cut the costs of Medi-Cal. The 48 prepaid health plans thus developed have not, however, been a great success. At least 50 percent of their caseload is supposed to come from non-welfare patients, but they have not been able to accomplish this, despite door-to-door solicitation. There have also been complaints about the quality of service.

Another problem is that the current California prepaid health organizations like Kaiser do not automatically qualify for assistance under the federal law. This is because Kaiser does not now provide all the basic services — preventive dental benefits for one — required for an organization to qualify under the federal act. These are the basic services required:

- Physician, hospital and emergency care.
- Short-term outpatient service for mental-health crises. Limited to 20 visits.
- Home health services.
- Preventive services, including family planning and dental and vision care for children.
- Treatment for drug and alcohol abuse.

In addition, each HMO is required to offer enrollees a supplemental package at additional cost to cover long-term care, dental and vision services, psychiatric treatment, long-term rehabilitation, and prescription drugs. The supplemental benefits could be omitted if health manpower were not available in the service area.

Prepaid plans

Prepaid health plans fall into two basic categories — closed-panel or open-panel. A closed panel, such as Kaiser, offers a full range of medical services within its own clinics and hospitals. Services are provided by staff doctors who are paid fixed salaries plus a percentage of the profits, if the plan is a profit-making endeavor. An open-panel offers services through participating doctors who maintain their own offices and receive payment from the plan on a modified fee-for-service basis. Boost-

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ers of these health plans claim savings in administration and through emphasis on preventive medicine. But California's experience with Medi-Cal shows such plans to be hard to organize efficiently, whatever the theoretical advantages.

Despite this, some medical authorities feel that the HMO bill may be the most far-reaching piece of health legislation ever passed by Congress and that it eventually could affect every American who works for a company with 25 or more employees and through them their families — a total of 100 million people. The bill requires employers with 25 workers to give employees the option of joining an HMO instead of the traditional health-insurance plan. This has been the practice for many firms in California because of the availability of the Kaiser Foundation Health Plan.

Nevertheless, the HMO act left the state and the nation far short of a universal health-insurance system akin to the one authored by Moscone. There apparently is general agreement in Washington that a national plan should be enacted, but there has been no consensus on what form it should take. There are four basic proposals:

Nixon administration. The President called for enactment of a plan in his State-of-the-Union message, and details of his proposal were subsequently revealed. Under this scheme, the fee-for-service principle would be retained but insurance would be subsidized by $5.8 billion in federal funds. Employers would pay two-thirds of their employees' premiums and the worker the other third. The cost to the single employee would be about $6.25 a month; the family rate would be about $17.33 a month. This is slightly less than what the average insured American now pays. Under the administration's basic plan, each person would pay the first $150 a year in medical bills, 25 percent thereafter, to a maximum liability of $1,500. Part of the federal government's share would be recouped by changing the income-tax laws to reduce deductions for medical insurance and treatment costs.

Kennedy. Senator Kennedy has the backing of labor, church, consumer organizations and more than 20 of his colleagues for his proposal to make the federal government the nation's health-insurance agent. The government would pay almost all the bills for a wide range of services, including dental and psychiatric treatment, drugs and nursing-home care. The proposal, attacked as "socialized medicine" by its critics, would give strong encouragement to development of HMOs. There is little basic difference between the national Kennedy plan and the defeated Moscone proposal.

Medicredit. The brainchild of the American Medical Association, this proposal calls for federal subsidy of health insurance for low- and middle-income families through a graduated system of tax credits and federal certificates. A special form of catastrophe insurance would be available, and nearly all forms of health care (orthodontist and cosmetic surgery excepted) would be covered. From an AMA standpoint, the key element in the plan is preservation of the fee-for-service concept.

Long-Ribicoff. Sponsored by Senators Russell Long and Abraham Ribicoff, this is an effort at compromise. Their $9 billion plan would have the federal government pay all family medical bills exceeding $2,000 a year or 60 days of hospitalization. There would be incentives for the insurance industry to offer reasonable coverage for the first $2,000, and the number of Americans eligible for Medicare would be increased. The plan would solve the catastrophic-illness problem but is not as comprehensive as Kennedy's.

The key question is what's politically practical. In Sacramento, there appears no hope of any major legislation in the insurance field. The odds are good that organized labor will stop entertaining the notion of an initiative on the Moscone plan. That leaves Washington, where the outlook for an immediate solution is not good either. President Nixon, in his State-of-the-Union message, did not attempt to bridge the gulf. Instead, he issued a broadside at the Kennedy plan, which he charged "would put our whole health-care plan under the heavy hand of the federal government. This is the wrong approach. This has been tried abroad and it has failed. It is not the way we do things here in America."

The way the government provides health care in America is piecemeal — first Medicare and Medicaid (Medi-Cal in California), next the HMO bill just getting under way, likely followed by a catastrophe plan financed totally by the federal government, and eventually perhaps a comprehensive health-insurance program offering cradle-to-grave benefits and eliminating the traditional fee-for-service method of purchasing health care.

Public majority on forestry board

The public now has a majority on the new state Board of Forestry appointed last month by Governor Reagan under the Z'berg-Nejedly Forest Practices Act of 1973.

The new board will have problems of its own, however, as Department of Conservation Director Raymond Hunter quietly "realigned" the Division of Forestry in a way that annoyed the legislative committees that drafted the new act. Under Hunter's move, 45 of the 110 forestry workers based in Sacramento were transferred elsewhere in the state. Also, some management units were removed from the jurisdiction of state Forester Lewis A. Moran, who said the changes weakened his ability to carry out the new law [*CJ*, November 1972, p. 328].

The new board has five members representing the general public, three the timber industry, and one the range-livestock industry, as follows:

Public — Chairman Howard K. Nakae, Newcastle orchard owner, and Markham E. Salsbury of Altadena, retired chief engineer of the Los Angeles County Flood Control District, both incumbents since 1968; Leo Tammanian of Fullerton, retired Hughes Aircraft executive; Thomas A. Lipman of El Monte, director of Livingston-Graham Division of Brown Company; Phillip S. Berry, Oakland attorney and a former Sierra Club president.

Timber — Henry K. Trobitz, manager of Simpson Timber Company of Arcata; William M. Beaty, president of a Redding forest-land consulting firm; William H. Holmes, president of Soper-Wheeler Land Operations of Yuba County.

Range-livestock — Robert L. Flournoy of Modoc County, president of the California Cattlemen's Association.

Correction

Regarding his article "Who the heavyweights are" among members of California's congressional delegation, which appeared in February's *Journal*, William Broom writes: "I reported that Congressman [John] Moss was defeated by Representative John McFall for the House Majority Whip's job [p. 48]. In fact, Moss was not a candidate at all. In fact, he once turned down the Whip's job when it was offered to him by Majority Leader Hale Boggs."

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Which judges' opinions are fit to print?

BY DENNIS CAMPBELL

As intermediate appellate judges, we make up the Light Brigade in the Army of the Judiciary. We look down for the facts and up for the law. Where the rule is explicit . . . it is not ours . . . to reason why. Brilliant concept or grievous blunder, we must accept it as it is given to us by higher authority.

While the courts of appeal ultimately do accept the pronouncements of the California Supreme Court, some do it with more grousing than others. If the grousing is too sharp, suggests Gideon Kanner, consultant to the California Law Revision Commission, the Supreme Court may resort to the tactic of "unpublishing" the lower court's opinion. "Certification for non-publication," says Kanner, "has of late become a technique whereby the Supreme Court can get rid of what it apparently deems to be erroneous or otherwise improvident decisions of the court of appeal." Kanner cites *Bench* v. *State Department of Public Works*, in which a court of appeal examined the reasoning of the Supreme Court and concluded: "This incongruity is incomprehensible, but nonetheless binding on this court and the trial court." For emphasis, the court of appeal added the above reference to Lord Tennyson's Light Brigade.

The decision, Kanner contends, outspokenly criticized existing law, and should have been published in the official reports. Nevertheless, the Supreme Court certified the opinion for non-publication.

Court's defense

Kanner does not speculate on the motives of the Supreme Court for exercising its constitutional right to determine what opinions shall be published. But his mention of the *Bench* case drew a quick response from the California Judicial Council, the court's administrative body. Dick Frank of the Judicial Council declared that to "suggest that the Supreme Court [unpublishes opinions] as a means of censureship is just not — well — not a nice thing to say about the court. It is wholly uncalled-for to suggest anything sinister." The Supreme Court, Frank explained, certifies an opinion for non-publication sometimes because it likes the result reached by the lower court but not the reasoning used. "It is better to certify the opinion for non-publication than to send it back for reconsideration," he added.

"There are some judges," confides an appellate court jurist, "who just get a kick out of seeing their opinions in print." That human quality, however, only partly explains the difficulty California's legal community has in coping with this apparently simple provision in the state Constitution:

> The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and Courts of Appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person . . . .

Those words may appear to dictate that every appellate court decision will make its way into print. There was a time when it did. But the words mean somewhat less than that now, and how much less is what troubles many attorneys and judges.

There are those who insist that too many appellate court opinions are being published. Others contend that not enough are. And still others maintain that the problem is not one of too many or too few opinions but of selectivity: For every inconsequential decision published, they fear, one of significance is denied rightful place in the law library.

In 1964, the Supreme Court and Judicial Council adopted a rule limiting the number of published opinions. It provided that all opinions of the Supreme Court would be published, as would those of lower appellate courts that involved a new and important issue of law, a change in an established principle of law, or a matter of general public interest. Every District Court of Appeal opinion was assumed to meet the publication standard unless a majority of that court decided otherwise.

The rule had its effect. In fiscal year 1970-71, appellate courts wrote 3,746 opinions, but fewer than 1,200 were published. Nevertheless, a bar-judiciary committee concluded that "many of the published opinions . . . do not justify the cost of publication." As a result, in January 1972, publication standards were made even more stringent. Under the present version of the rule, all opinions of the Supreme Court continue to be published, but opinions of the Courts of Appeal are published only if they:

- Establish a new rule of law, or alter or modify an existing rule.
- Involve a legal issue of continuing public interest.
- Criticize existing law.

Most significantly, a majority of the deciding court must now approve a decision for publication.

Last December, the Supreme Court acted again — this time prohibiting the use of unpublished opinions as precedents at the trial level. Some enterprising attorneys had gone beyond published volumes to search out relevant decisions in obscure court records. Legal scholars found the practice distasteful, and so did attorneys who fell victim to their opponents' diligence.

Several jurists have told the Judicial Council that it is not realistic to expect a judge who has spent much time and effort preparing an opinion to feel it not worth publishing. Says one judge: "If we are going to put some decisions in the law books and some in the basement, we'd better get someone more objective about the process than the judge who does the writing."

The author, a law-school graduate and Sacramento newspaper reporter, covers state courts for the Journal.

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Nine propositions — one initiative — on June 4th ballot

California voters will decide nine ballot propositions June 4th. The propositions were assigned numbers last month. Only one of the measures qualified for the ballot through the initiative process, and it will be known as Proposition 9, since state law requires legislative proposals to be numbered first. The propositions:

Proposition 1 — A $240 million bond issue to acquire and develop state park and beach sites.

Proposition 2 — A $250 million bond act to finance waste-water treatment facilities.

Proposition 3 — A $350 million bond act to replenish the state's fund offering loans to California veterans buying homes and farms.

Proposition 4 — A constitutional amendment allowing immediate tax reassessment of property destroyed by natural disaster. (Currently, the Governor must first declare a "state of disaster".)

Proposition 5 — A constitutional amendment allowing local communities the option, with voter approval, of diverting gasoline-tax revenue from the highway fund to construction of public transportation systems.

Proposition 6 — A constitutional amendment requiring all proceedings of the Legislature to be open to the public, unless lawmakers choose otherwise in advance.

Proposition 7 — A constitutional amendment exempting from civil service the administrative officer and five deputies of the new Postsecondary Education Commission.

Proposition 8 — A constitutional amendment allowing the City and the County of Sacramento to merge into a single government, should local voters approve.

Proposition 9 — The so-called open-government initiative, tightening conflict-of-interest requirements on public officials, lobbyist registration and expense-reporting procedures, creating a Fair Campaign Practices Commission, and setting limits on campaign expenses.

Compromise struck on San Onofre nuclear plant expansion

The state Coastal Commission voted 10-2 February 20th in Santa Barbara to permit expansion of a nuclear power plant at San Onofre, on the coast some 60 miles north of San Diego. Approval of a revised application by Southern California Edison and San Diego Gas and Electric to add two nuclear reactors came after the initial proposal — rejected last December — was modified. The changes, the commission decided, would protect more than half the coastal bluffs that would previously have been destroyed. The final agreement also calls for continued monitoring of the effect of the plants on marine life off shore.

Squaw Valley is sold to Austral an who makes lone $2.5 million bid

California sold its holdings at the Squaw Valley site of the 1960 Winter Olympics to an Australian corporation's American subsidiary, Mainline Properties. The price was $2.55 million, the minimum placed by the state on its property. There was no other bid. The state had poured $20 million into its holdings, which nonetheless ran a steady deficit.

The sale includes the 95-acre Olympic Village, 228 acres of other tourist facilities and 930 acres of upper ski terrain. The new owners, headed by Australian developer Richard C. T. Baker, said they plan to transform Squaw into a European-style year-round resort village.

Divorce is all but final for county counsels and district attorneys

Meeting in Yosemite last month, the state District Attorneys and County Counsels Association voted to dissolve into two separate organizations. The move, initiated by the district attorneys, will almost complete the process of divorcing the two county legal functions, with district attorneys prosecuting criminals and county counsels handling civil matters. Only one county, San Mateo, still has a combined district attorney and county counsel.

The new California District Attorneys Association, Inc., will admit deputy DAs to membership. It intends to raise enough money to establish a full-time executive director in Sacramento to handle the organization's legislative advocacy. Traditionally, a deputy from Alameda County has represented law-enforcement organizations in the Capitol on a part-time basis.

Return of the exiles: Capitol press corps on shaky premises

The Legislature last year ordered members of the Capitol press corps to vacate their quarters in the state Capitol after the building had been adjudged unsafe in the event of an earthquake in Sacramento. But reporters were promised a transient press room in the "safe" Capitol annex. This space, as it turned out, was unavailable, and an alternative site was sought. The new press room is located across from the Assembly chamber — in the "unsafe" space formerly occupied by correspondents for the *San Francisco Examiner* and the *San Bernardino Sun*.

Baby boom becomes birth dirth, cutting school enrollment

The state Department of Finance's Population Research Unit several years ago predicted a decline in school enrollment through 1979. The number of primary and secondary pupils is then expected to increase slightly. Last month, the state Department of Education reported that the decline in enrollment is now apparent in kindergarten through the sixth grade. State Superintendent of Public Instruction Wilson Riles noted that enrollment was up for the higher grades, and in public schools generally (including special classes for the handicapped and adult education). But he stressed that the decline in the early grades is more significant, especially to education planners.

The decline by grades: Kindergarten, 2,920; first, 6,369; second, 17,344; third, 19,379; fourth, 5,212; fifth, 9,160; sixth, 4,410; tenth, 2,399.

The increase by grades: Seventh, 3,888; eighth, 5,841; ninth, 1,280; eleventh, 5,705; twelfth, 2,938.

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Selected government reports

EMPLOYMENT

Unemployment Statistics, by Assembly Committee on Efficiency and Cost Control on the discrepancy between unemployment figures reported by the state and federal governments. December 3, 1973. 19 pp. Available from the committee, State Capitol, Sacramento 95814.

ENERGY

Public Hearings of Assembly Subcommittee on State Energy Policy. Transcripts of six hearings held between Feb. 15 and March 9, 1973, on the subjects listed below are available from the Assembly Rules Committee, State Capitol, Sacramento 95814, at the prices indicated:

- California's Electricity Supply and Demand Characteristics, 178 pp., Document No. 288, $4.
- Consequences of Pursuing Present Policies; part one, 181 pp., No. 290, $4.30; part two, 155 pp., No. 291, $3.90.
- Reducing Undesirable Consequences of Electrical Energy Use, 205 pp., No. 293, $4.50.
- Power-Plant Siting, 109 pp., No. 292, $3.20.
- Review of AEC Nuclear Safety Criteria, 208 pp., No. 294, $5.

Transportation Fuels — A Crisis in Supply, Demand, Price or Policy? The Role of Government. Transcript of public hearing of the Assembly Committee on Transportation, August 7, 1973. 91 pp. plus appendices. Assembly Rules Committee.

ENVIRONMENT

Waste Water Reclamation: State of the Art; Department of Water Resources Bulletin No. 189, March 1973. 43 pp. Available free from the department, P.O. Box 388, Sacramento 95802.

Special Offer

1973 Index & Binder

Rising costs have forced an increase in the price for *California Journal* annual binders. Hereafter, these attractive, gold-stamped Naugahyde binders will cost $7.00, plus tax.

However, if you act now, we will send you a 1973 binder and the cumulative 1973 index, for only $6.00, plus 30 cents tax (a saving for both of $2.50).

We can't bill you at this special rate, so please send your check or Master Charge account number now to *California Journal* Binder Offer, 1617 10th Street, Sacramento, CA 95814. You will receive your binder and index by return mail.

Environmental Education: A Progress Report. Prepared by the Department of Education for the California Legislature. 1973. Available free from the department 721 Capitol Mall, Sacramento 95814.

Suggested Remedial Approaches to the California Land Conservation Act of 1965 (Williamson Act). Excerpts from testimony presented at a special hearing of the Assembly Select Committee on Open Space Lands March 23, 1973, assessing the effectiveness of the act and proposing changes. 230 pp. Available free from the committee.

HEALTH AND WELFARE

A Review of the Regulation of Prepaid Health Plans by the State Department of Health. The Legislative Analyst surveys the program, and makes recommendations and comments on it. November 1973. 51 pp. Available free from the Legislative Analyst, Room 650, 925 L St., Sacramento 95814.

The Development, Education and Utilization of Nurse Practitioners in the State of California: (Stats. 1972, ch. 933), by the Advisory Committee on Physician's Assistant and Nurse Practitioner Programs. December 4, 1973. State Board of Medical Examiners, 1020 N St., Room 434, Sacramento 95814.

TRANSPORTATION

BART — Status of Implementation of Safety Recommendations & Review of Financial Status, by the Legislative Analyst, October 23, 1973. Measures being taken to assure safe operation of the Bay Area Rapid Transit system, and on its financial condition. 57 pp. Available free from Legislative Analyst, Room 650, 925 L St., Sacramento 95814.

MISCELLANEOUS

Roster: California State, County, City and Township Officials; State Officials of the United States; Directory of State Services of the State of California, 1973-74. Compiled by Secretary of State. 155 pp. Documents Section, Office of Procurement, P.O. Box 20191, Sacramento 95820. ($1.00 plus tax.)

Time Served in Prison and Parole Outcome: An Experimental Study, by the Department of Corrections, October 1973. 73 pp. Free from the department, 714 P St., Sacramento 95814.

Results of Tax, Bond and Loan Elections in California School Districts, 1971-1972, by California Teachers Association and Association of California School Administrators, September 1972. Summary by county. Bulletin No. 266, CTA, 1705 Murchison Dr., Burlingame 94010. ($2.00)

The Mexican-American and the 1973 Legislature: Important Bills Passed, Vetoed or Held Over to 1974, compiled by the Senate Majority Caucus of the California Legislature. 11 pp. December 1973.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month, only if a meeting is scheduled: Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Park and Recreation Commission; University of California Board of Regents.

March 7	**Park & Recreation Commission.** Room 283 Ferry Bldg., San Francisco. 10:30 a.m. (Special meeting on 1974 Park Bond Program — Prop. 2.)
March 8	**Park & Recreation Commission.** Room 102, 1020 N St., Sacramento. 2 p.m. **Fish and Game Commission.** Room 1194, State Building, 455 Golden Gate Ave., San Francisco. 9 a.m.
March 12-13	**Air Resources Board.** Resources Building Auditorium, 1416 Ninth St., Sacramento. 9 a.m.
March 14-15	**Board of Education.** Resources Building Auditorium, Sacramento. 9 a.m.
March 15	**University of California Regents.** Extension Center, San Francisco.
March 21	**Little Hoover Commission.** Room 6017 State Capitol, Sacramento. 10 a.m.
March 21-22	**Highway Commission.** Napa (site undetermined).
March 21-23	**Law Revision Commission.** State Bar Building, 601 McAllister St., San Francisco. 7 p.m.
March 26-27	**State University and Colleges Trustees.** Chancellor's office, 5670 Wilshire Blvd., Los Angeles.
March 26-28	**Board of Equalization,** Room 102, 1020 N St., Sacramento. 2 p.m.
March 28	**Council on Criminal Justice.** Host of Sacramento Airport Hotel. 9:30 a.m.

The following boards and commissions follow a regular monthly schedule: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Coastal Commission, first and third Wednesdays; Consumer Advisory Council, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays.

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NEWSMAKERS

William Fife Knowland, publisher of the Oakland Tribune and former majority leader in the U.S. Senate, shot himself to death at his summer home on the Russian River in Sonoma County. He was 65.

Former state Senator **William E. Coombs** of San Bernardino County resigned from his job in the federal Treasury after only a month. "I couldn't charge the taxpayers $33,000 a year when I do only one day's work a month," he explained. Coombs, 63, resigned from the Senate last October to take the federal post and give Assemblyman **Jerry Lewis,** a fellow Republican, a special-election shot at his seat (which Lewis lost to Democrat **Ruben Ayala**). At the time, Coombs said he was unhappy in the Legislature because the new requirement of recorded committee votes and the influence of Common Cause had "loused up the works". . . . Two of Coombs' former colleagues, Senators **George Deukmejian** and **H. L. Richardson,** were placed under armed guard as possible targets of the Symbionese Liberation Army, which abducted **Patricia Hearst,** daughter of publisher **Randolph A. Hearst.** Deukmejian is the author of the state's new death-penalty law, and Richardson is the Legislature's foremost proponent of long prison terms for criminals.

Assemblyman **John L. Burton** of San Francisco took a leave of absence as state Democratic chairman while he runs for Congress this year. He was replaced by the Northern California chairwoman, **Mary Widener,** wife of Mayor Warren Widener of Berkeley . . . **Dwight (Speed) Geduldig** resigned his $34,000-a-year post as state employment development director to become speech writer and press secretary for his former boss, Dr. **Earl Brian,** candidate for the Republican nomination for the U.S. Senate seat held by Democrat **Alan Cranston.** Brian had previously resigned as secretary of the state Health and Welfare Agency.

The Rev. **Eugene J. Boyle,** a Catholic priest, has been forbidden from preaching from the pulpit by Archbishop **Joseph T. McGucken** of San Francisco while he is a candidate for the Assembly. Father Boyle declared that the Archbishop "first tried to prevent me from running" [as a Democrat for the 16th district seat] and charged that, "now he's trying to cripple my campaign." . . . . Representative **Chet Holifield,** a Los Angeles County Democrat, announced that he would not seek reelection after serving 32 years in Congress, longer than any other Californian. Redistricting placed Holifield in the same district with his Democratic colleague, Representative **George Danielson,** who had already announced that he would run for reelection . . . . Records in the state Controller's office show that only one legislator, Assemblyman **Floyd Wakefield,** is still collecting the $30-a-day expense allowance rather than the $35 per diem initiated three years ago. Six others who temporarily refused the hike have since accepted the raise.

The dean of California lobbyists, **Monroe Butler,** 74, was killed by an auto while walking near his Westwood home. He represented Superior Oil Company for 33 years, but became associated with Getty Oil Company a year ago . . . . **Murray M. Chotiner,** long-time advisor to President Nixon, died at 64. He once ran unsuccessfully for state Assembly and for Congress.

APPOINTMENTS: **Bill Lane,** publisher of *Sunset Magazine,* as campaign chief for the $250 million park-and-beach bond issue on the June 4th ballot . . . . **Alistair W. McCrone,** academic vice president of University of the Pacific, as president of Humboldt State University . . . . **Arthur M. Robinson,** a Riverside businessman, to the state Park and Recreation Commission . . . . **Patricia D. Ingoglia,** a member of Governor Reagan's staff, to the state Board of Education . . . . **James E. Slosson,** deputy chief of the state Division of Mines and Geology, as state geologist and division chief.

1
Here's the Collier family as we left on our European trip last year with my two legislative assistants.
CLICK CLICK
RAHDY
2
Here we all are enjoying London ...Stockholm....Helsinki and Munich.
CLICK CLICK
3
Here we are landing in Sacramento after a glorious two week trip.
CLICK CLICK
4
Here we are presenting the bill to the taxpayers for $7,749.
CLICK CLICK
Renault, McClatchy Newspapers

Senator Collier's junket

The state Treasury was billed $7,748 for the expenses of a trip to Europe taken last year by Senator **Randolph Collier,** his wife and child, his secretary, **Helen Winslow,** and her husband, and **Robert Hampton,** consultant to the Senate Finance Committee. The trip, made to study timber taxation, included stays at luxury hotels in England, Germany, Norway, Sweden and Finland, at rates of up to $63 a day. At the end of January, Hampton filed a 20-page report containing no taxation recommendations. "It would be premature, it would be inappropriate, to advocate any particular approach," Hampton explained.

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ROLL CALL

The budget and the high price of oil

The energy crisis, which has pulled the state's pursestrings unexpectedly tight, apparently will also keep Governor Reagan's precariously balanced proposed 1974-75 budget from plunging into the red. Legislators were informed in February by their fiscal watchdog, Legislative Analyst A. Alan Post, that the state will get a windfall of $60 to $200 million through increased prices paid for crude oil taken from state-owned tidelands. Post had warned previously that Reagan had not taken the energy crisis sufficiently into account in preparing the budget.

The Assembly Ways and Means Committee, which has begun subcommittee hearings on the budget, postponed consideration of allocations for the University of California until U.C. President Charles J. Hitch can explain a controversial policy that has been interpreted as limiting the freedom of employees to talk to lawmakers. The directive states: "Meeting of staff members with federal or state officials in regard to specific programs which do not . . . involve official representation of the University shall be reported by the staff member to the President." Teachers' groups complained to the committee that the policy is an attempt to intimidate employees.

Meanwhile, floor action in the Senate and Assembly was about what could be expected for the early months of an election-year session. Bills were being debated routinely but with most members concentrating their efforts on winning either reelection or election to higher office. Among the more notable items of interest:

- The biggest debate centered on efforts by Senator George Moscone to enact a "cleanup" bill to his financial disclosure act passed by the Legislature last year [see p. 93].
- Both houses passed a bill — SB 71 (Gregorio) — authorizing high schools to set aside special smoking areas for students, then the Assembly decided to reconsider its action.
- The Assembly approved a proposed constitutional amendment — ACA 18 (Ralph) — authorizing the Legislature to establish a lottery with proceeds to be split between state and local governments.
- A Senate committee killed a constitutional amendment — ACA 14 (Nimmo) — allowing persons between 18 and 20 to drink alcoholic beverages legally.

Assembly

Consumer affairs

AB 1535 (Hayden) — Excludes any drug from the requirement that advertisements include manufacturer's name and address if filed with the Department of Health. Passed, 42-25.

AB 1650 (Fong) — Bans pay toilet facilities. Passed 61-8.

Education

AB 2586 (Vasconcellos) — Revises composition of the Board of Governors of the California Community Colleges; adds representation from faculty and students. Passed, 51-11.

AB 746 (Cory) — Changes formula for the distribution of support to county superintendents of schools. Failed, 17-46.

ACA 61 (Dunlap) — Allows school districts to issue bonds for replacement of structurally unsafe buildings upon approval of a simple rather than two-thirds majority. Failed, 50-27.

Elections

ACA 38 (Dixon) — Repeals a provision denying right to vote to persons convicted of certain crimes. Adopted, 59-13.

AB 2330 (Karabian) — Requires pollsters to file statements of receipts and expenditures relating to preparation of political polls. Failed, 17-43.

Gambling

ACA 18 (Ralph) — Authorizes Legislature to establish a state lottery with proceeds allocated for public benefit. Adopted, 54-26.

VOTING RECORDS

Listed below are the votes of legislators through February 17th on recent major roll calls, with a brief summary of the issues under consideration. Votes selected for inclusion are issues of major importance to Californians, issues on which there was a major division of opinion, or both.

Y — Yes N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriation bills.

Assembly: 41 votes required for passage of bills requiring a simple majority. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring a simple majority. ⅔ = 27 votes.

ACA 33 (Seeley) — Authorizes drawings for door prizes by non-profit, charitable organizations if a city or county license is obtained. Adopted, 55-17.

Justice

AB 2295 (Sieroty) — Revises laws relating to the civil rights of state prisoners. Failed, 30-37.

AB 726 (Sieroty) — Provides for sealing of criminal records of certain marijuana offenders. Passed, 42-26.

ACA 71 (Fenton) — Authorizes establishment of a single trial-court system in each county. Adopted, 54-17.

AB 2434 (Ralph) — Extends workmen's compensation coverage to state prisoners. Failed, 36-31.

AB 2669 (Gonzales) — Reduces maximum penalty for marijuana possession. Passed, 53-21.

Labor relations

AB 2107 (Berman) — Establishes collective-bargaining procedures for employees not subject to Federal Labor-Management Relations Act and Railway Labor Act. Passed, 43-27.

AB 2644 (Leroy Greene) — Prohibits an employer from requiring that a prospective employee's record of arrests be listed on an initial employment application. Passed, 42-22.

Taxation

ACA 13 (Dunlap) — Replaces two-thirds majority requirement with simple majority vote to change rates of taxation on banks, insurance companies and corporations. Adopted, 56-22.

AB 1060 (Burton) — Reduces oil-depletion allowance by 27½ percent for companies with gross income exceeding $1 million, and repeals allowance for companies with gross income of $5 million. Failed, 44-24 (54 votes required).

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Miscellaneous

AB 1181 (Gonsalves) — Establishes Southern California Area Planning Organization. Passed, 41-34.

SB 1340 (Moscone) — Revises 1972 conflict-of-interest law so that names of elected officials' clients do not have to be revealed as sources of income. Passed, 41-32.

AB 1241 (Z'berg) — Replaces authorization for Carmichael site of proposed Governor's mansion with requirement that it be in downtown Sacramento. Passed, 46-25.

AB 1202 (Warren) — Extensively revises rights and obligations of tenants and landlords. Passed, 53-10.

Senate

Business and labor

SB 371 (Alquist) — Requires Public Utilities Commission to disallow, for rate-setting purposes, the advertising expenses of electric and gas utilities. Passed, 21-10.

SB 1380 (Petris) — Prohibits discrimination on basis of sex in public accommodations, facilities, business establishments, and in transactions relating to real property. Passed, 21-11.

SB 273 (Roberti) — Prohibits use of professional strike-breakers in strike or lockout. Failed, 18-20.

Education

SB 71 (Gregorio) — Authorizes school districts to permit students to smoke on high-school campuses. Passed, 21-18.

SB 1466 (Moscone) — Prohibits sex discrimination in elementary, secondary,

ASSEMBLY (49 D, 31 R)	AB 1535	AB 1650	AB 2586	AB 746	ACA 61	ACA 38	AB 2330	ACA 18	ACA 33	AB 2295	AB 726	ACA 71	AB 2434	AB 2669	AB 2107	AB 2644	ACA 13	AB 1060	AB 1181	SB 1340	AB 1241	AB 1202
Alatorre (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Antonovich (R)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Arnett (R)	Y	Y	*	N	Y	Y	N	Y	Y	N	Y	N	Y	N	*	N	*	N	Y	N	N	Y
Badham (R)	Y	N	N	N	*	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N
Bagley (R)	Y	*	*	*	N	Y	N	N	Y	Y	Y	Y	Y	N	Y	*	Y	Y	N	N	*	*
Bannai (R)	N	Y	Y	N	N	*	N	Y	N	*	N	Y	N	*	N	*	Y	N	N	N	N	N
Bee (D)	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	Y	N	Y	*	N	Y	N	N	*	N	Y
Berman (D)	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Beverly (R)	N	N	N	N	N	N	N	*	N	Y	*	N	N	N	N	N	N	N	N	N	N	N
Boatwright (D)	*	Y	*	Y	Y	N	N	*	*	*	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Bond (R)	N	N	Y	N	*	N	Y	*	N	Y	N	N	Y	N	N	N	N	N	N	N	N	*
Briggs (R)	N	N	N	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Brown (D)	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Burke (R)	N	N	*	N	N	*	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N
Burton (D)	*	Y	*	*	Y	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Carter (R)	*	Y	N	*	N	*	Y	N	*	*	Y	N	*	*	*	N	*	N	N	N	*	*
Chacon (D)	Y	Y	*	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	Y
Chappie (R)	*	Y	N	Y	N	N	*	N	*	N	*	Y	*	N	*	N	*	N	N	N	*	N
Cline (R)	N	N	N	Y	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Collier (R)	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cory (D)	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Craven (R)	N	*	N	Y	N	*	N	Y	N	*	*	N	*	N	N	N	N	N	N	N	N	N
Cullen (D)	N	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y	N	N	*
Davis (D)	N	Y	*	N	N	*	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	Y	N
Deddeh (D)	Y	Y	N	Y	Y	N	N	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Dixon (D)	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Duffy (R)	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
Dunlap (D)	*	Y	N	N	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y
Fenton (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fong (D)	Y	Y	Y	Y	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foran (D)	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garcia (D)	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	N	Y	Y	Y	Y
Gonsalves (D)	Y	Y	*	Y	Y	*	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gonzales (D)	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Greene, B. (D)	*	Y	N	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Greene, L. (D)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	*	Y
Hayden (R)	Y	Y	N	Y	N	Y	Y	N	N	N	*	*	*	Y	N	N	Y	N	N	N	N	Y
Holoman (D)	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Ingalls (D)	Y	Y	N	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Johnson, H. (D)	N	Y	Y	N	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	N	Y	Y	N	Y	*	Y
Johnson, R. (R)	Y	Y	N	N	N	*	N	N	N	Y	N	Y	Y	N	*	N	N	N	N	N	Y	Y
Kapiloff (D)	N	Y	N	Y	Y	Y	N	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karabian (D)	N	Y	*	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keene (D)	Y	Y	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keysor (D)	Y	Y	Y	Y	Y	N	N	*	N	*	Y	N	*	Y	Y	N	Y	N	N	N	Y	*
Knox (D)	N	Y	Y	Y	Y	N	Y	N	N	Y	Y	N	Y	Y	Y	N	Y	N	N	Y	N	Y
Lancaster (R)	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Lanterman (R)	Y	Y	*	N	N	N	N	N	N	N	*	Y	N	N	N	N	N	N	N	N	N	N
Lewis (R)	Y	*	N	Y	N	*	*	N	Y	N	N	N	N	*	N	N	N	N	N	N	*	N
Lockyer (D)	N	Y	Y	*	Y	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
MacDonald (D)	Y	Y	*	N	Y	Y	N	N	Y	N	*	Y	*	Y	Y	*	Y	Y	N	Y	*	Y
MacGillivray (R)	N	*	Y	Y	N	*	N	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	N	Y
Maddy (R)	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	N	Y	N	Y	N	Y	N	N	N	Y	*
McAlister (D)	Y	Y	N	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
McCarthy (D)	Y	*	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McLennan (R)	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Meade (D)	Y	Y	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Miller (D)	*	Y	*	*	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y
Mobley (R)	*	Y	*	N	*	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	Y
Montoya (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Moretti (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Murphy (R)	N	Y	Y	Y	N	*	N	Y	N	N	*	N	N	N	N	N	N	N	N	N	N	N
Nimmo (R)	N	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	Y	N	N	N	N	N
Papan (D)	Y	Y	N	Y	Y	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Powers (D)	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Priolo (R)	Y	Y	*	N	N	N	N	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N
Quimby (D)	*	Y	Y	*	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y
Ralph (D)	Y	*	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Russell (R)	*	*	*	*	*	*	*	N	N	*	N	N	*	N	N	*	N	N	*	N	N	*
Seeley (R)	*	*	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N	N	Y
Sieroty (D)	N	Y	Y	Y	Y	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thomas (D)	N	Y	Y	Y	*	Y	*	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thurman (D)	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y
Vasconcellos (D)	N	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wakefield (R)	N	Y	N	N	N	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N
Warren (D)	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Waxman (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Wilson (D)	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Wood (R)	Y	Y	N	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Z'berg (D)	*	Y	Y	N	Y	Y	Y	N	Y	Y	*	N	Y	Y	Y	N	Y	Y	N	Y	*	Y

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and community-college classes and courses. Passed, 21-7.

Elections and reapportionment

SCA 1 (Gregorio) — Establishes Reapportionment Commission to fix boundaries of legislative and congressional districts. Failed, 20-16.

SB 65 (Nejedly) — Limits campaign expenditures of candidates for any office to amount equal to 25¢ per registered voter eligible to vote for all candidates for that office. Passed, 23-17.

SB 606 (Carpenter) — Changes date of primary election from June to first Tuesday after first Monday in August. Passed 21-12.

Environment

SB 462 (Nejedly) — Requires cities and counties to prepare general plans covering their spheres of influence as well as land within their jurisdiction. Failed, 12-23.

SB 1479 (Alquist) — Enacts the state Energy Emergency Act, and establishes Energy Emergency Planning Council to advise Governor on conservation, curtailment and allocation of energy supplies. Passed, 27-6.

Health and welfare

AB 855 (Burton) — Prohibits closing a state hospital without legislative approval. Governor's veto overridden, 27-13.

SB 875 (Alquist) — Deletes prohibition, under county employees' retirement system, against payment of disability benefits if disability is due to alcoholism. Passed, 22-11.

Housing and local government

SB 1288 (Deukmejian) — Extensively revises rights and obligations of tenants and landlords. Passed, 21-10.

SB 1373 (Alquist) — Requires establishment of local disaster councils by each county and city. Passed, 28-10.

Justice

SB 39 (Grunsky) — Establishes new criminal code, containing revisions of various penal-code provisions defining major crimes. Passed, 23-11.

SB 46 (Carpenter) — Allows use, under certain circumstances, of evidence obtained during illegal search and seizure. Passed, 22-12.

SB 1272 (Beilenson) — Makes it unlawful for any person having a minimum blood-alcohol level of .10 percent to drive. Passed, 27-8.

Taxation

AB 198 (Gonsalves) — Provides for one-time rather than annual filing of a claim for homeowner's property-tax exemption. Failed, 23-9 (27 votes required).

SCA 8 (Nejedly) — Replaces requirement for a two-thirds majority vote of Legislature to change rate of taxation on banks, insurance companies, corporations and franchises with a simple majority vote. Failed, 21-16 (27 votes required).

SCA 26 (Petris) — Authorizes Legislature to exempt from property taxes the residence of an owner 62 years old or older. Passed, 27-12.

Miscellaneous

SB 1471 (Bradley) — Enacts compulsory financial-responsibility provisions for anyone operating a motor vehicle. Passed 23-13.

SCA 3 (Holmdahl) — Requires state Senate to confirm Governor's appointments to state Supreme Court and courts of appeal. Failed, 18-19.

SENATE (21 D, 19 R)	SB 371 SB 1380 SB 273 SB 71 SB 1466	SCA 1 SB 65 SB 606 SB 462 SB 1479	AB 855 SB 875 SB 1288 SB 1373 SB 39	SB 46 SB 1272 AB 198 SCA 8 SCA 26	SB 1471 SCA 3		SB 371 SB 1380 SB 273 SB 71 SB 1466	SCA 1 SB 65 SB 606 SB 462 SB 1479	AB 855 SB 875 SB 1288 SB 1373 SB 39	SB 46 SB 1272 AB 198 SCA 8 SCA 26	SB 1471 SCA 3
Alquist (D)	YYYYY	NYYYY	YY*YN	NY*NY	NY	Marler (R)	YNNYN	YNYN*	NNYNY	YYYYN	Y*
Ayala (D)	*YYYY	NYNNY	YYNY*	NYYYY	NY	Mills (D)	*YYY*	NY*YY	Y**YY	***NY	NY
Behr (R)	YYNYY	YYNNY	YYNYY	Y*YNY	YN	Moscone (D)	YYYYY	YY***	YYNYN	NYYNY	NY
Beilenson (D)	YYYYY	YYYYY	YYNYY	NYNNY	NY	Nejedly (R)	YYNN*	YYNYY	YYYYN	YY*YY	YY
Berryhill (R)	Y*NNN	YYYNN	NNYNY	YNYYN	YN	Petris (D)	YYYYY	YYNYY	YYNYY	NYYNY	NN
Biddle (R)	YNNN*	YNNNY	YNYNY	YNYNN	YN	Richardson (R)	NNNNN	YNYN*	YYY**	*N*YY	YY
Bradley (R)	NNNNN	NNNNY	NNYNY	YYNYN	YN	Robbins (D)	YY*YY	YYN*Y	YYYYY	*YY*Y	*Y
Carpenter (R)	NNNYN	YNYNY	NNYNN	YNNYN	YN	Roberti (D)	YYYYY	*Y**Y	YYNYN	NYY*Y	NY
Collier (D)	**NNY	NNYNN	YYYY*	YY*NY	YY	Rodda (D)	YYYYY	NYNYY	YYNYY	NYYNY	*Y
Cusanovich (R)	NNNNY	NNNN*	NYYYY	YYNNN	YN	Schrade (R)	NNYNN	NNYNN	NNYNY	YYNYN	YN
Deukmejian (R)	YNNN*	NYY*Y	NYYYY	YYYYY	YN	Short (D)	***N*	YYYY*	Y***Y	**YY*	Y*
Dills (D)	YYYNY	NYYNY	YY*Y*	YN*NY	NY	Song (D)	YYNY*	NYYN*	YY*YY	**YNY	NY
Dymally (D)	Y*YYY	YY*YY	YY*Y*	NYYNY	N*	Stevens (R)	Y*NYY	NYYNY	NN*YY	YYYYY	YN
Gregorio (D)	YYYYY	YYNNY	YYNYN	NYYNY	NN	Stiern (D)	*YYNY	YYYYN	Y*YNY	YYYYY	*Y
Grunsky (R)	NYNYY	YNNNY	NNYYY	YYYYY	YN	Stull (R)	NNNN*	NNYNN	NNYNY	YYNYN	YN
Harmer (R)	**N**	YNYNY	N*YYN	YYNYN	*N	Walsh (D)	*YYY*	*NYNY	YYYY*	NN**Y	YY
Holmdahl (D)	YYYN*	YYYYY	Y*NNN	NN*YY	YY	Way (R)	NNNYY	NNYNY	NNYNY	YYNYN	YN
Kennick (D)	YYYNY	NN*YY	YYNYY	Y*YYY	NY	Wedworth (D)	**NN*	*N*NN	Y*YYY	YYYNY	YN
Lagomarsino (R)	N*NN*	YY*NY	Y*YYY	YYYYN	YN	Whetmore (R)	NNNNN	NNYN*	NNYYN	YYNYN	YN
Marks (R)	*YYYY	YYNYY	YY*YN	*NYYY	NN	Zenovich (D)	YYYYY	*NY*Y	YY*YN	NYYNY	YY

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That best judgment will be sorely tested in the weeks ahead. The White House, convinced that time is on its side, is taking advantage of every permissible opportunity to stall the inquiry while at the same time publicly urging that the Democrats "get off the President's back." The tenor of the campaign is suggested by presidential assistant Pat Buchanan's delicate description of the committee procedures as "a lynch party".

In actuality, the opening weeks of the committee inquiry have been painfully judicious, mostly because both Rodino and Doar are conscious that a botched inquiry would be worse than no inquiry at all. The impeachment inquiry now has a life of its own, and one that will not be easily ended by White House propaganda nor hastened by the deteriorating Republican political situation in the countryside. In the long run, the Judiciary Committee will put Burke's notion about the duty of a representative of the people to one of its sternest tests.

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

Political grand jurors

All sides of the impeachment issue are represented by the five Californians who serve on that strange collection of political grand jurors, the House Judiciary Committee. It is this committee that now holds the key to the legal fate of Richard Nixon, who must take what comfort he can from the fact that Californians will play a disproportionate role in the judgment of his alleged transgressions. Californians are slightly less than one-tenth of the House as a whole; they are more than one-eighth of the Judiciary Committee, which is now struggling toward one of the most difficult decisions in the history of American representative government.

The five Californians on Judiciary are in some respects a mirror of the committee, reflecting its principal characteristic as a body in which liberals are more liberal and conservatives more conservative than the House as a whole. The five are Democrats Don Edwards of San Jose, Jerome Waldie of Antioch, George Danielson of Los Angeles, and Republicans Charles Wiggins of West Covina and Carlos Moorhead of Glendale. Of these, Waldie is the only declared advocate of impeachment, a distinction he shares with fellow committee Democrats Robert Drinan of Massachusetts and John Conyers of Michigan. Like the other two, Waldie is not particularly influential within the committee on the impeachment issue — although for different reasons. Waldie is usually respected for his courage, but his impeachment advocacy is discounted because he is using it to appeal to a liberal constituency in his uphill attempt to gain the California gubernatorial nomination. His impeachment zeal is thus regarded as partisan and self-serving, although it is unlikely that his position would be different if he dropped out of the Governor's race.

Moorhead also lacks stature on the committee, through no particular fault of his own. He is next to last in seniority on the Republican side, a condition in the House that roughly approximates being under suspicion for high crimes and misdemeanors. In the procedural maneuvering of early February, Moorhead lined up solidly with the committee's presumed anti-impeachment minority.

* * *

The two Californians of undisputed stature on the committee are Edwards, an 11-year veteran of the House and chairman of the Judiciary subcommittee on bankruptcy and civil rights oversight, and Wiggins, ranking minority member on the same subcommittee. By virtue of these positions, Edwards and Wiggins are two of the senior Judiciary members whom committee chairman Peter Rodino assembled on an ad hoc committee that directed the impeachment inquiry in its early weeks. Edwards is considered a certain pro-impeachment vote by his fellow committee members, but he also is praised for fairneses and a judicial approach to impeachment complexities.

Among other things, Edwards is frank to recognize that impeachment is something of a "no-win issue" for Democrats, whom he says would be far better off politically this November with Nixon still in the White House. The San Jose congressman is quick to add that it would be "unconscionable" for committee members of either party to base their votes on such considerations, and he doesn't expect that this will happen. Certainly, no one anticipates that Edwards — the first congressman to have endorsed Eugene McCarthy for President — would use expediency as a yardstick. Edwards is influential with his fellow liberals, and could play an important role in keeping the inquiry on its central track — which is probably the Watergate coverup, the tape gaps, and maybe creation of the White House "plumbers", rather than the more exotic grounds of impoundment and bombing Cambodia.

Wiggins is even more influential with the minority members. He is usually referred to as the best legal mind on the Republican side, a description merited both by Wiggins' ability and by the comparative conduct of the ranking minority member, Edward Hutchinson of Michigan, who has said: "We've only got one President, and impeachment of a President is something the country can't afford."

Wiggins is very much in the President's corner, too, but he surprised some people by taking a broader view of what constitutes impeachable conduct than does the White House. It is not, says Wiggins, simply a crime for which the President might be indictable at common law. Without being willing to draft a definition that will stand for all time, Wiggins says that "short of a crime, it is possible for a President to so abuse his office that for the good of the country he ought to be impeached. This has to be tested in an historical perspective so that it is clear the President is doing something other Presidents have not done."

* * *

The Californian on the committee who most nearly earns the description of "undecided" is Danielson, a former U.S. attorney, FBI agent and state legislator who is praised by Edwards for "always making up his own mind on every issue." But Danielson's indecision, to the extent that it exists, does not derive from any basic confidence in Richard Nixon, whom he believes "lacks the wave length in his consciousness that proscribes certain acts as moral and other as immoral." This, he adds, is not enough to impeach him.

It is Danielson's view that there does not exist on the committee, nor for that matter in Congress, any member so ignorant or withdrawn that he does not have many deep-seated opinions about Nixon. "I'd have to be an intellectual eunuch not to have an opinion after a year of Watergate, but it certainly doesn't mean that I don't reserve a final judgment," he says. Both Wiggins and Edwards consider Danielson a prospective vote for their respective sides, although the committee consensus is that he will wind up voting for impeachment if the evidence is clearly assembled and well presented by Special Counsel John Doar. Danielson is decidedly more philosophical about the political consequences of the impeachment vote than many of his colleagues. "Impeachment," he says, "is an issue on which the voters accept Burke's notion that it is the duty of a representative of the people to exercise his best judgment."

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The woman who climbs to a high post, and then wants everybody to know how important she is, is the worst enemy of her own sex.

--Claire Giannini Hoffman

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